

Appeal Decision

Site visit made on 27 July 2016

by G J Rollings BA(Hons) MA(UD) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 04 January 2017

Appeal Ref: APP/T5150/W/15/3141435
5 Furness Road, London, Brent, NW10 4QH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 15/4242, dated 1 October 2015, was refused by notice dated 30 November 2015.
 - The development proposed is a single-storey rear and part first floor extension, basement, hip to gable wall roof formation, rear dormer, balcony at first floor level and addition of two self-contained flats to mixed use premises.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was submitted, the saved policies of the Council's *Unitary Development Plan* (2004) have been superseded by the *Development Management Policies* (DMP), which were adopted in November 2016, and were found as part of the examination process to be consistent with the policies of *The London Plan* (2015) and the *National Planning Policy Framework* (the Framework). I have referred to the updated policies in my decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area;
 - Whether the proposed residential accommodation would provide satisfactory living standards for future occupiers, with particular reference to outlook and privacy, and space standards; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site accommodates a semi-detached, two-storey building with existing basement and rear yard. The building houses the Shalprika Convenience Store at ground floor level, opening onto a paved pedestrian
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forecourt that is outside the appeal site. The rest of the ground floor, and part of the basement, is used as storage areas. The building is on the corner of Palermo Road, with access from this street into a stairwell leading down to a two-bedroom basement flat. There is also a two-bedroom flat on the first floor above the shop, with a rear projection the same depth as the ground floor and basement, and the building is topped by a hipped roof.

5. The building additions would extend the basement to full extent of the site area, with the exception of two lightwells that would abut the Palermo Road site edge, and ground and first floor extensions along the same edge, as well as an increase in the depth of the ground floor rear projection. This would also incorporate glass railings above. Additionally, the hipped roof would be altered to form a gable edge, with a window facing onto Palermo Road, and a rear-facing roof dormer window.
6. The appeal site is joined to a 3 Furness Road; together, these buildings form a semi-detached pair. These buildings stand apart from those on neighbouring sites, and they do not form part of a longer row. The roof above No. 3 already has a gable end, meaning that the roofline of the semi-detached pair has an unbalanced appearance. The appeal building is longer than No. 3 and has a chamfered corner at first floor level, with additional gable above, which further alters the symmetry. The appeal building has a prominent corner position and the roof alterations would be unobstructed in views from the streets outside the site. However, the works would restore symmetry to the roofline, and despite the additional bulk that they would add to the building, they would not be overbearing nor unbalance the appearance of the semi-detached pair, or appear out of place in the context of the surrounding area, which has a mix of different building types and layouts.
7. The other extensions to the rear of the building at ground floor level and above would also be visible from the street and surrounding properties, but they would be set in from the boundary, with a less immediate impact on the street scene. The semi-detached pair has a different architectural style compared with other buildings in the area, and the extensions would not be joined to any other neighbouring buildings. Furthermore, the proposed first floor and roof extensions would not detract from the appearance of the original building, which would retain its primacy in the street scene.
8. However, I do have concerns regarding the basement extensions, as well as the proposed ground floor entrance that would face Palermo Road. The appeal plans show a visually permeable boundary treatment on the Palermo Road boundary, of a limited height. The basement extensions would be visible from the street, and their size and nature, together with the position of the lightwells, would result in a feature which is not reflected in other buildings in the area, and appear out of context within the more traditional residential styles of the surrounding buildings and garden spaces. The position of the lightwells next to the pavement would further add to the incongruous appearance of the development.
9. The ground floor entrance from Palermo Road would be accessed via stairs from the pavement into part of the new ground floor extension. The entrance would be unlike other houses and flats in the area, which are clearly the main entrances to their respective buildings. Legibility of this entrance would be poor within the street scene and in the context of the surrounding design, as it

would be set back from the street and understated within the context of the appearance of the building. Given that it would serve three of the proposed flats, this would be harmful to the future character of the building and its legibility within the street scene.

10. Accordingly, there are some features of the proposed design which I consider would be appropriate additions to the building, the proposed scheme is rendered unacceptable by those features which would be detrimental to the building itself, as well as the surrounding area, for the reasons that I have identified. I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the site and surrounding area. It would conflict with the core planning policy of the Framework (paragraph 17), which requires a good standard of design for all development, and the strategic design policies of *The London Plan* (2015), which have a similar aim.

Living conditions

11. The outlook of the basement flats would be limited to views into the lightwells. This would result in an unreasonable sense of enclosure for future residents, who would have limited views of any space outside the site, or sky; features which are appropriate in creating a welcoming and comfortable home environment. Occupiers' conditions would be further harmed by potential overlooking by passers-by on Palermo Road, down into the lightwells and into the main windows of these flats, with the possibility of direct views into the rooms served. The proposed basement layout would result in significant harm to the living conditions of future residents, and as such, would conflict with London Plan Policy 3.5 which seeks to ensure high quality housing that is welcoming and appropriate in providing satisfactory living standards for its occupiers.
12. Development within London is subject to the unit sizes and standards set out within the *Nationally Described Space Standard* (2015) (NDSS), as set out within Policy 3.5 of the London Plan. The main parties disagree on whether the proposed units would achieve the minimum standards set out within the NDSS, although it is agreed that one of the studios would be slightly undersized. The NDSS and Policy 3.5 make clear that these provisions are the minimum standards necessary for comfortable habitation, and as such, deviation would not represent good design. The appellant has drawn my attention to examples of other development within the area, however as this proposal is subject to the updated standards as contained within the NDSS, the most recent standards are the only ones relevant in this instance.
13. The Council also notes that amenity space is not available to all flats and that the layout and amount that would be provided would not meet its requirements. I acknowledge the appellant's comments that there are instances of similar developments within the area that also do not provide this amount of amenity space, and that a small amount of space would be provided for some, but not all, of the proposed flats. However, in this instance, even a larger provision of amenity space would not mitigate the other substandard living conditions within the development, as discussed previously.
14. I therefore conclude that the proposed residential accommodation would not provide satisfactory living standards for future occupiers, with particular reference to outlook and privacy, and space standards. For the reasons given

above, would conflict with the Council's *Core Strategy* (2010) Policies CP17 and CP21, DMP Policy DMP 18, and London Plan Policy 3.5. These policies are consistent with a core planning principle of the Framework (paragraph 17), which requires development to secure a good standard of amenity for future residents.

Highway safety

15. The site is within a controlled parking zone (CPZ) and an area with a public transport accessibility level (PTAL) of 6, corresponding to an excellent level of public transport provision and frequency within the surrounding area. I also note its proximity to a good range of town centre services. The Council's DMP Policy DMP 12 and DMP Appendix 1 set out car parking provisions which, when applied to the existing and proposed layouts on site, give allowances of 3 spaces and 5 spaces respectively. One parking space is proposed on the site, meaning that there would be a shortfall in parking provision, which both the Council and appellant would be prepared to accept, subject to the provision of a legal agreement restricting the future occupiers of the flats to apply for parking permits; thereby creating 'car-free' residential development.
16. No legal agreement or planning obligation has been provided, and I have considered whether a suitable condition could be applied to restrict on-street parking, were I to allow the appeal. Although the Planning Practice Guidance states that it is possible for a negatively worded condition to restrict development when a planning obligation or other agreement has not been entered into, it states that this is only suitable in exceptional circumstances¹. Such circumstances are defined as more complex and strategically important development where there is clear evidence that the delivery of the development would otherwise be at serious risk. I do not consider that the scale or nature of the proposed development warrants its consideration as more complex and strategically important development. As such, there is no clear mechanism under which the proposed car-free element would be delivered.
17. The evidence of the Council and other interested parties indicates that there is a considerable level of parking stress within the area. The additional parking demand that could result from this development, without a suitable restriction in place, could potentially lead to additional parking and highway congestion, which would be prejudicial to the safety of other users of the highway. I therefore conclude that the proposed development would have a harmful effect on highway safety, and would conflict with DMP Policy DMP 12.

Conclusion

18. The proposal would be inconsistent with the Local Plan, which is part of the adopted development plan for the area, and thus it is not sustainable development for which the *National Planning Policy Framework* has a presumption in favour. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G J Rollings

INSPECTOR

¹ PPG Reference ID: 21a-010-20140306; Revision date: 06 03 2014.