
Appeal Decision

Site visit made on 13 December 2016

by **L Fleming BSc (Hons) MRTPI**

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

Decision date: 20th January 2017

Appeal Ref: APP/T5150/W/16/3159149

2 Pine Road, London, Brent, London NW2 6RY

- 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 Mrs Marie Kelleher against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/0115, dated 4 December 2015, was refused by notice dated 30 June 2016.
 - The development proposed is addition of second floor to existing garage at rear of plot to create dwelling ancillary to main house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I note that the development is described as erection of an additional storey to an existing single storey garage to create a 2 bedroom flat on the Council's decision notice. Furthermore, the Officer's report refers to the creation of a new dwelling. However, I have determined the appeal on the basis of the development description given on the application form, which clearly refers to the proposed development being ancillary to the main house.
3. The site visit was intended to be access required, but the appellant did not attend. However, I was able to see everything I needed to determine the appeal from public land. I therefore proceeded to undertake an unaccompanied site visit.
4. Since the submission of the appeal the Council adopted the London Borough of Brent Local Plan Development Management Policies (2016) (DMP). This now forms part of the development plan for the Borough and supersedes some policies of the Brent Unitary Development Plan (2004) (UDP). I must base my decision on the policies from the development plan prevailing at the time of determination. Moreover, the appellant is aware of these changes and has had the opportunity to comment upon them. In any event the aims of the relevant Policies of the DMP are not so materially different from those referred to in the Council's decision notice, such that they would have influenced the outcome of the appeal. Consequently no prejudice has been caused to the appellant's case.

Main Issues

5. The main issues are the effect of the proposed development on:
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- highway safety in the surrounding area;
- the living conditions of the occupants of the proposed development with particular regard to noise and disturbance.

Reasons

Highway Safety

6. This part of Pine Road and Hassop Road and the streets nearby are within a controlled parking zone (CPZ) where on-street parking is limited to residents and businesses with parking permits for the majority of the day.
7. Policy DMP 12 of the DMP states that in areas within a CPZ access to on-street parking permits for future development occupiers other than for disabled blue badge holders will be removed or limited.
8. Even though the proposed accommodation would be ancillary to the existing dwelling. The existing off-street parking provided by the existing garage would be reduced by the proposed staircase, such that in my view it could only accommodate one vehicle. Furthermore, two additional bedrooms would increase the demand for parking. Thus, in my view and with the absence of any evidence to the contrary the proposal would increase the demand for on-street parking in the area. Moreover, even though the intended occupant does not own a vehicle, other future occupiers may own a vehicle and wish to park it nearby.
9. There are no details of any mechanism before me, which would prevent the occupants of the proposed development from owning a car and seeking to park it on-street nearby. On my site visit at around mid-day on a weekday I observed a high demand for parking in the area with very few spaces available on nearby streets.
10. Therefore, I find that insufficient on-street parking is available in the area to absorb the demand generated by the proposed development. Thus without an appropriate means of ensuring the proposed development is car free, I find there would be a risk to highway safety as a result of residents finding it difficult to find a parking space, consequent extended journey times and potentially parking inappropriately.
11. For these reasons the proposal would be in conflict with the development plan. It would specifically be contrary to the aims of Policies DMP 1 and DMP 12 of the DMP which seek to ensure that parking provision is appropriately managed and ensure highway safety.

Living conditions

12. Hassop Road comprises mainly small commercial units, mainly used as vehicle repair businesses. On my site visit I observed it to be relatively busy with many comings and goings and noted significant amounts of noise and disturbance arising from machinery and activities associated with businesses operating close to the appeal site.
13. The proposed ancillary accommodation comprising additional living space and two bedrooms would be significantly closer to the commercial uses than the existing accommodation. There is no substantive evidence before me which demonstrates that noise and disturbance arising from neighbouring uses has

been adequately assessed. Furthermore, there are no details of any measures which could be implemented to mitigate any harmful effects arising from such.

14. Therefore, on the basis of the evidence before me I am led to the conclusion that there would be a significant risk of noise and disturbance to the occupiers of the additional accommodation arising from the neighbouring uses.
15. In reaching these conclusions, I have considered the examples of other residential accommodation on Hassop Road. However, the full details of those cases are not before me, particularly whether they are lawful or whether they include any noise mitigation measures. Nonetheless each case must be considered on its merits and in this case I find the proposed development would result in harmful living conditions with particular regard to noise and disturbance.
16. For the reasons given, the proposed development would be in conflict with the development plan. It would be in specific conflict with Policy DMP 1 of the DMP which seeks to ensure good design and that new development achieves an acceptable standard of amenity for users.

Other Matters

17. As the proposal involves the creation of additional accommodation ancillary to No 2 Pine Road and not the creation of a new dwelling the space standards set out in Policy 3.5 of the London Plan¹ (LP), Policy DMP 18 of the DMP and Policy CP21 of the London Borough of Brent Local development Framework Core Strategy (2010) are not directly applicable. Furthermore, as I am dismissing the appeal for other reasons I have not considered this matter in detail.
18. No 2 Pine Road benefits from a small rear garden which would be unaffected by the proposed development. This would provide sufficient separation between the existing rear elevation of the main dwelling and the proposed addition such that the proposal would not result in any harm in terms of outlook. Furthermore, as the proposed development would be occupied by a single household I find there would be no harm in terms of privacy.
19. Moreover, as the appeal proposal would have an access from the rear garden of No 2 Pine Road and I am dismissing the appeal for other reasons, I have not considered in detail the Council's concerns with regard to the safety of the proposed door from Hassop Road.
20. I note the proposed accommodation is for the appellant's brother who is a key worker. I also note that there may be difficulties in accessing housing in the area. However, these matters do not outweigh the harm I have identified.
21. Finally, I note the appellant is dissatisfied with the Council's handling of the planning application, particularly not seeking any amendments. However, this is a matter which would need to be pursued with the Council. I confirm that I have had regard only to the planning merits of the proposal.

¹ The London Plan – The Spatial Development Strategy for London Consolidated with Alterations Since 2011(2016)

Conclusion

22. For the reasons given above and with regard to all other matters raised, the appeal is dismissed.

L Fleming

INSPECTOR