
Appeal Decision

Site visit made on 10 January 2017

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/T5150/W/16/3159699

166 Villiers Road, London, NW2 5PU

- 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 S Coleman against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2988, dated 11 July 2016, was refused by notice dated 19 September 2016
 - The development proposed is the conversion from workshop and offices to 4 self-contained flats.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion from workshop and offices to 4 self-contained flats at 166 Villiers Road, London, NW2 5PU in accordance with the terms of the application, Ref 16/2988, dated 11 July 2016, subject to the conditions in the attached Schedule.

Procedural Matter

2. Since the Council refused planning permission the Council has adopted its Development Management Policies Document 2016 (DMP) which replaces the former Brent Unitary Development Plan 2004 (UDP). Policies BE2, BE7 and BE9 of the UDP have not been carried forward to the DMP as they are covered by national planning policy or by the London Plan. UDP Policy H18 has been replaced by DMP Policy DMP 17, however, DMP 17 is not directly relevant to this proposal as it concerns the conversion of family sized dwellings. UDP Policy EMP 9 has been replaced by DMP Policy DMP 14. The appellant has been provided with these policies and an explanation of the changes as part of the appeal documentation.
3. The appellant submitted an amended plan with the appeal¹ which indicated that some of the windows on the first floor side elevation would be opaque and it showed an increase in the size of Bedroom 2 of Unit 3 to 7.5 SqM. I consider that these are minor changes that would not require the re-consultation of neighbours and therefore I am considering the appeal on the basis of these amended plans.

¹ Drawing No.451616-2 A

Main Issues

4. The main issues are the effect of the proposal upon (i) the living conditions of the future occupiers of the flats in respect of outlook and the provision of amenity space and the living conditions of the occupiers of the neighbouring house in respect of privacy; (ii) the character and appearance of the area; and (iii) the loss of the employment use.

Living Conditions

5. The appellant has confirmed that the large outbuilding behind the rear elevation would be removed. Therefore, there would be sufficient daylight to, and an adequate outlook from, the living area of Unit 2. The removal of the outbuilding would also free up a significant amount garden area which would provide sufficient amenity space for this unit.
6. The bedroom windows to Unit 2 would be existing windows on the side return. At my visit I noted that the space between the windows and the side boundary is fairly generous, and although the existing boundary fence provides screening, it is not of such a height or proximity to the windows as to result in an oppressive feature in the outlook from these rooms. I note the Council's comments that a fence could be erected to a height of up to 2m but this would not be much taller than the existing fence.
7. The main windows to the living areas of Unit 1 and Unit 3 would be in the rear elevation looking along the long side return but the space between the side return and the shorter outrigger at No 170 is fairly wide. Therefore, I do not consider that these windows would be excessively enclosed by the side returns of either property. This being the case, the windows would provide an acceptable outlook and would allow adequate daylight into the living areas.
8. The amended plans increase the size of Bedroom 2 of Unit 3 from 6.9 SqM to 7.5 Sqm so it now complies with the minimum standard required by the Council.
9. The amended plans show 4 of the existing first floor windows in the side elevation to be obscured leaving only 2 clear glazed ones. These windows are currently all clear glazed, albeit that one has temporary boarding over it. I saw at my visit that employees sit at work stations immediately behind these windows. Therefore, the side window of the neighbouring house and the adjoining garden are already overlooked. The reduction in the number of clear glazed windows on this elevation therefore represents an improvement over the current situation.
10. I therefore conclude that the proposal would provide acceptable living conditions for the future occupiers of the flats and would not harm the living conditions of the occupiers of the neighbouring house. I find no conflict with Paragraph 17 of the National Planning Policy Framework which says that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

11. Villiers Road is characterised by terraced houses which have either a single or two storey bay window with a front door next to it. Many of the front doors are within an open porch. The appeal building, whilst having a front door and a

bay, is wider than surrounding dwellings and has large double garage doors to the other side of the front door.

12. The garage doors would be replaced by a door and a window. The window would be the same length as the first floor window above it and the headers and cills would align with those of the existing ground floor window. The new front door would be recessed and under an arch like the existing front door. Providing that the detailed design of the window and door openings are similar to the existing, and that the brick is a good match, I consider that the resultant appearance would be acceptable and would not unbalance the front elevation.
13. Therefore, I conclude that the proposed development would not harm the character and appearance of the area. I find no conflict with Brent Core Strategy Policy CP 17 which seeks to protect the suburban character of Brent from inappropriate development; The Council's Supplementary Planning Guidance (SPG) 17: *Design Guide for New Development* which has similar objectives; or with Paragraph 17 of the Framework. The Council has made reference to its SPG 5 but as this relates to house extensions, I do not consider it to be directly relevant to this appeal.

Employment Site

14. The site is currently a small factory surrounded by dwellings and within a predominantly residential area. The Council say that the site is a non-designated "Local Employment Site". DMP Policy DMP 14 indicates that the Council will allow the release of Local Employment Sites to non-employment uses where continued wholly employment use is unviable; or significant benefits consistent with the wider objectives of the Development Plan are achieved.
15. Although the appellant asserts that there is no demand for such business units in the area, I have no substantiated evidence that it is unviable as an employment site.
16. However, I saw at my visit that the site makes metal springs and generates significant machinery noise which can be heard outside of the site and very noticeably at its boundaries with residential properties. This noise will inevitably be heard through open windows and in the adjoining gardens; intruding upon the peaceful enjoyment of these surrounding dwellings.
17. It is my assessment that the removal of this noise, by the cessation of the use, would benefit the living conditions of the adjoining occupiers. Furthermore, I have already identified that the obscuring of the glazing in the existing windows on the first floor would reduce the current level of overlooking of the neighbouring residence. Therefore, the removal of the industrial use and the change of use to flats would represent a significant benefit to the living conditions of these adjoining occupiers.
18. Given the modest scale of the building, the nature of the benefit derived from the appeal scheme, and noting the lack of evidence to the contrary, I have no reason to believe that it would be beneficial to retain an element of workspace as sought by DMP Policy DMP 14.
19. The change of use would therefore be consistent with the wider objectives of the development plan, most notably, DMP Policy DMP 1 which seeks to ensure that neighbouring occupiers are not unacceptably exposed to noise. It would

also be consistent with Paragraph 17 of the National Planning Policy Framework which says that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

20. Overall, I consider that the improvement of the living conditions of neighbours would outweigh the total loss of the employment site and I find no conflict with DMP Policy DMP 14.

Other Matters

21. I have considered all other matters including the representation from an interested party but none outweigh the conclusions I have reached.

Conditions

22. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance and I have consulted with both main parties in respect of some additional conditions. In addition to the standard implementation condition it is necessary in the interest of precision to define the plans with which the scheme should accord. Conditions concerning external materials and the front elevation are required in the interests of the character and appearance of the area; conditions are necessary in respect of on-street car parking as the site is within an area of very high kerbside parking demand; a condition is necessary in respect of bicycle parking in the interest of sustainable transport choices and security; it is necessary to remove the existing sheds in the interests of the living conditions of the future occupiers. Condition 4 is a pre-commencement condition as this is the only satisfactory way of being able to enforce it.

Conclusion

23. For the above reasons the appeal is allowed subject to conditions.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 451616-2A & site plan edged red.
- 3) Notwithstanding the details contained on the approved plans, no development shall take place until further details of the alterations to the front elevation have been submitted to and approved in writing by the local planning authority. Such details shall include drawings of the profiles of the openings, and full details of the headers / cills, external joinery and materials. The development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details including samples of the materials to be used in the construction of the external surfaces of the altered front elevation hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.

- 5) Occupiers of the residential development, hereby approved, shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled; to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970.

For the lifetime of the development this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development.

A notice no smaller than 30cm in height and 21cm in width, clearly informing occupants of this restriction shall be permanently displayed within the ground floor communal entrance lobby, in a location and at a height clearly visible to all occupants.

- 6) No dwelling hereby approved shall be occupied until the footway crossover to the site from Villiers Road is removed; full-height kerbs reinstated along its length; and the parking bays extended along the width of the crossover.
- 7) Before the occupation of any dwelling hereby approved, full details of bicycle parking showing a minimum of six secure and covered spaces shall be submitted to and approved by the LPA. The approved details shall be implemented before the first occupation of any dwelling and the scheme shall be retained thereafter.
- 8) Before the occupation of any dwelling hereby approved, the sheds to the side and rear of the building shall be permanently removed.