
Appeal Decision

Site visit made on 14 February 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 2 March 2017

Appeal Ref: APP/T5150/W/16/3162252

Garage next to 21 Spezia Road, London NW10 4QJ

- 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 Andrea Clerk against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2837 dated 30 June 2016, was refused by an undated notice.
 - The development proposed is described as demolition of existing garage and construction of self-contained residential dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's Decision Notice referred to Policies DMP18 and DMP19 of the emerging Brent Local Plan Development Management Policies (LPDMP). This plan was adopted on 21 November 2016 and consequently after the submission of this appeal. It is now part of the 'Development Plan' for planning decisions in the Borough. The Council's Decision Notice also refers to these emerging policies, at the time, that were relevant to the consideration of the application. Those policies are now adopted in the new plan. However, there appear to be no change in the requirements relating to dwelling size and private amenity size between the emerging and adopted sets of policies and so neither party has been prejudiced by this change.
 3. Appendix 4 of the LPDMP states that Policies BE1 to BE12 of the Brent Unitary Development Plan (UDP) will not be taken forward in the LPDMP as these are covered by National and London Plan policy. As such, they are not superseded by policies within the LPDMP. The Council's second reason for the refusal of planning permission refers to a conflict with policies BE2, BE3, BE6, BE7 and BE9 of the UDP. These policies were relevant at the time the application was determined.
 4. However, these policies no longer form part of the Development Plan for planning decisions within the Borough. I have no evidence to suggest which of these policies are now covered by policies contained within the London Plan or how these may relate to the Council's second reason for refusal. Consequently, I have considered the Council's second reason for refusal against the guidance provided in the National Planning Policy Framework (the Framework).
-

Main Issues

5. The main issues are:

- Whether the proposed development would provide satisfactory living conditions for the future occupiers of the dwelling with particular regard to accommodation space, amenity space and privacy.
- The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living conditions

6. The appeal site comprises an existing detached garage located in close proximity to the end gable of No 21 Spezia Road which is an end terraced property. The proposed development would involve the demolition of the garage and the construction of single storey dwellinghouse with basement and mezzanine level.
7. Both main parties agree that Policy 3.5 of the London Plan requires that the minimum Gross Internal Floor Area (GIA) for a one bedroom, two person, two storey dwelling should be 58sqm. Policy DMP 18 of LPDMP requires that the size of dwellings should be consistent with London Plan Policy 3.5 - Minimum Space Standards for New Dwellings. Although there is no dispute between the main parties regarding the GIA of the basement and ground floor, the Council suggest that the proposed mezzanine would not be adequate to contribute to internal space standards due to its low ceiling height and, as such, the proposed dwelling would have a GIA of 53.4sqm which would be less than the minimum prescribed in Policy 3.5.
8. The appellant has drawn my attention to the Government's '*Technical housing standards – nationally described space standard*' on which Policy 3.5 of the London Plan is based. In particular, paragraph 10(g) of this document in relation to the calculation of GIA states that any other area that is used solely for storage and has a headroom of 900-1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.
9. The appellant suggests that 13.64sqm of the proposed mezzanine area would have a ceiling height in excess of 900mm and as such 50% of this floor area (6.8sqm) should contribute to the overall GIA of the proposed dwelling. As such, the total GIA would be 60.2sqm thereby exceeding the minimum required by Policy 3.5.
10. I have no evidence that the appellant's calculation of floorspace may be incorrect. Given the correlation between Policy 3.5 and the Government's Technical Housing Standards, I agree with the appellant that the mezzanine should contribute to the calculation of GIA. As such, the proposed dwelling would have a GIA of 60.2sqm which exceeds the minimum prescribed in Policy 3.5.
11. The Council has also expressed concern that the setback of approximately 3m of the proposed ground floor front elevation from the pedestrian footway of the

street and approximately 0.9m at the basement would result in a lack of privacy for future occupants of the proposed dwelling.

12. However, the proposed position of the front facade of the dwelling would be commensurate with that of the terraced block containing the adjacent property at No 2. As such, the front façade of the proposed dwelling would have a similar relation to the rear of the pavement as other properties on this side of Spezia Road. It is not unusual for terraced properties in close knit urban environments such as this to have habitable windows positioned close to the rear of the pavement. There is nothing unusual in the position of the ground floor living room window of the proposed dwelling to suggest that it has any different relationship with the rear of the pavement than other properties on the street.
13. Although I recognise that the proposed dwelling would be a single aspect unit I do not consider that its relationship with the rear of the pavement would give rise to a demonstrable loss of privacy of an extent to warrant the dismissal of this appeal.
14. The proposed doors to the basement would be approximately 0.9m from the rear of the pavement. However, owing to the height difference between the street level and the basement floor level and the fact that the 0.9m would be from the door to the new retaining structure to the street, only limited oblique views through the basement doors would be possible from the street. There would be no opportunity for any direct views into the basement from the street. As such, I do not consider that the position of the proposed basement doors to the street would result in any significant loss of privacy.
15. The Council also suggest that the proposed development would have inadequate private amenity space which would be restricted to the space between the front elevation and the rear of the pavement. In particular, Policy DMP 19 of the DMP requires that all new dwellings will be required to have private amenity space to satisfy the residents' needs which will normally be expected to be 50sqm for family housing.
16. The proposed development would clearly not meet the requirements of Policy DMP 19. However, I agree with the appellant that in densely developed urban environments such as here, it is not always possible to provide the optimum amount of amenity space. I also agree that none of the existing houses on Spezia Road appear to have 50sqm of private amenity space but the nearby Roundwood Park and King Edward VII Sports Ground provide public open space that helps to mitigate the shortfall and that the lack of dedicated external amenity space should not weigh against the proposal.
17. Taking the above factors into account I consider that the proposed development would provide satisfactory living conditions for the future occupiers of the dwelling. Consequently, there would be no conflict with Policy 3.5 of the London Plan and Policies DMP 18 and DMP 19 of the LPDMP.

Character and appearance

18. Spezia Road is a residential terraced street comprising of similar designed Victorian bay fronted properties with traditional brick, tile and render materials. The angular design of the roof, soffits and bays provided the street with a relatively uniform and rhythmic appearance. Properties have small front

gardens and do not appear to have any basements that have front access and light wells.

19. The proposed dwelling would be adjoined to No 21 and have a curved zinc roof and a front access basement. As a consequence of the design of the roof and the front basement access, the design of the proposed dwelling would have little relevance to the dominant rhythmic character of properties on the street. As such, it would appear as an incongruous addition to the street scene.
20. The curved roof design would contrast markedly with the regular design and angular architectural features of other properties on the street. I recognise that some of the fenestration, particularly the header above the proposed front door, has been designed to reflect some of the fenestration elements at No 21. However, I consider these features contrast with simplistic design of the proposed front façade and result in a degree of architectural tension in its design which I consider further adds to the incongruity in the street scene.
21. The proposed dwelling, in occupying the approximate position of the existing garage, would maintain an acceptable relationship with the rear of properties on Ancona Road. However, I consider that the mass of curved roof with zinc cladding would be visible and prominent in the approach to Spezia Road from Ancona Road. In such views the mass of the roof structure and the use of materials that are not reflective of those used in adjacent dwellings would result in the proposed development appearing prominent and markedly contrasting with the character of the street.
22. I acknowledge that the modern design is intended to provide architectural diversity. However, the degree of contrast of the roof and front elevation to the prevailing character of the street provides for the appearance of an overly prominent and incongruous feature that would appear at odds with this part of the street scene.
23. Taking the above factors into account, I consider that the proposal would unacceptably harm the character and appearance of the street scene. As such it would conflict with paragraphs 56, 58 and 64 of the Framework. These paragraphs emphasise the importance of design of the built environment that responds to local character and state that planning permission should be refused for development of poor design that fails to improve the character and quality of an area.

Other matters

24. The appellant has referred to the previous appeal decisions (Ref APP/T5150/A/14/2228732) relating to the site. However, I do not have full details of the nature of the proposals in that appeal or the extent to which it may be representative of the circumstance in this appeal. As such, I have determined this appeal on its own merits.

Conclusion

25. Although I have found that the proposed development would provide satisfactory living accommodation for future occupiers of the dwelling this does not outweigh the harm that would be caused to the character and appearance of the area. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR