The Planning Inspectorate

Appeal Decision

Site visit made on 17 January 2017

by David Walker MA MRTPI

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

Decision date: 14th March 2017

Appeal Ref: APP/T5150/W/16/3156186
327 Neasden Lane North, Brent, London NW10 0AH

- 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 James Condon against the decision of the Council of the London Borough of Brent.
- The application Ref 15/3226, dated 28 July 2015, was refused by notice dated 12 May 2016.
- The development proposed is creation of new basement, new 1x1 bed basement flat and installation of front and rear light well.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Brent Local Plan: Development Management Policies (the DMP) development plan document was adopted by the Council in November 2016. It supersedes the policies of the Brent Unitary Development Plan referred to in the reasons for refusal. I have determined the appeal in the light of the policies of the newly adopted plan.

Main Issues

3. The main issues in the appeal are the effect of the proposal on:
    i) the living conditions of future occupants in relation to the availability of natural light, outlook and privacy; and
    ii) the safety of pedestrians and other highway users having regard to the availability of parking

Reasons

Living conditions

4. The proposed accommodation would be formed in a new basement of a house in multiple occupation. It would rely on new ground level light wells to the front and rear as the only source of natural light to the basement accommodation. With the main living spaces orientated to the south and with extensive glazing proposed I have no reason to doubt that satisfactory levels of natural light could be achieved to accord with the Council's design guidance[1].

[1] Supplementary Planning Guidance No 17: Design Guide for New Development 2001

5. However, the subterranean nature of the accommodation would mean that the only outlook available would be directly onto the substantial retaining walls of the light wells in close proximity, with protective railings and horizontal bars above. It would be an oppressive outlook leading to a secluded home that would be harmful to the living conditions of future occupants.

6. Access to the basement accommodation would be gained via an existing lobby serving bedsitting rooms. It would be an independent access that would ensure privacy for existing and future occupants on entry to their respective homes. While I am satisfied with this element of the scheme it would not offset the harm I have identified in relation to the poor outlook that would be achieved.

7. On this issue I conclude that the proposal would be harmful to the living conditions of future occupants. As a result it would conflict with the requirement to achieve high levels of internal amenity of Policy DMP 1 of the DMP and Policy 3.5 of London Plan 2015.

Highway Safety

8. Although only a small amount of additional accommodation would be provided the appeal property is already put to an intensive level of residential use with no parking provision. I have nothing before me to indicate that additional parking demands would not arise.

9. With no parking provision any additional demands would be forced onto Neasden Lane North, a local distributor road with busy traffic conditions and multiple bus stops immediately in front of the appeal site. In these conditions any casual stopping or inconsiderate parking would be likely to force evasive manoeuvres by passing vehicles that could be harmful to the safety of pedestrians and other road users.

10. Such harm as would not be sufficiently reduced by the provision of cycle parking in the scheme would conflict with Policy DMP 12 of the DMP that requires parking to not have negative impacts on existing parking and highways, among other things.

11. I acknowledge that the proposal would deliver the benefit of an additional dwelling to the housing stock. However, this would not outweigh the significant harm I have identified in relation to the main issues.

Conclusion

12. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR