
Appeal Decision

Site visit made on 14 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 3 April 2017

Appeal Ref: APP/T5150/W/16/3164752
10 Ranelagh Road, London NW10 4UT

- 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 Elin Dallas against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2448, dated 7 June 2016, was refused by a notice dated 14 November 2016.
 - The development proposed is the erection of proposed single storey extension to side and rear following demolition of existing rear extension. Proposed 1st floor part extension to rear of property. Conversion into 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Policies from the Brent Unitary Development Plan, 2004 referred to by the Council in its decision notice have been superseded by policies from Brent's Development Management Policies, Development Plan Document (DMPDPD) 2016, which has been adopted since this appeal was submitted. The Council's decision notice referred to Policy DMP 17 of the emerging DMPDPD and therefore I am satisfied that neither party has been prejudiced.

Main Issues

3. The main issues in the case are:
 - Whether the property is suitable for conversion in principle in the light of relevant local and national policies; and
 - The effect on the living conditions of future occupiers of the development, with particular regard to outlook; and
 - The effect on the living conditions of the neighbouring occupants of 9 Ranelagh Road, with particular regard to daylight.

Reasons

Whether the property is suitable for conversion in principle

4. 10 Ranelagh Road is currently a three bedroom property with a floor area of approximately 108 square metres (sq.m). Policy DMP 17 of the DMPDPD seeks
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to maintain family sized housing within the Borough and states that the conversion of a family sized home (3 bedrooms or more) to two or more other dwellings will only be allowed where the existing home is 130 sq.m or more and it results in at least a 3-bedroom dwelling, preferably with direct access to a garden/amenity space. It further states that exceptions to this will only be allowed where the amenity of the existing family home is so deficient that family accommodation is unlikely, and could not reasonably be changed to overcome such deficiencies.

5. From my inspection of the appeal property it is clear that the existing accommodation requires some renovation. However, despite the small size of the existing kitchen, there is an adjoining living/dining area and two modest reception rooms available for use at ground floor level. Whilst the third bedroom is small, it would accommodate a small nursery with space for a cot or cot bed. Evidence provided by the appellant confirms that it has been used for this purpose in the past.
6. I recognise that the size of some of the existing rooms may not meet London Plan's design standards for new homes as set out in the Mayor of London's Housing Supplementary Planning Guidance, 2016. However, the overall size of the existing dwelling would exceed the minimum space standard required for a three bedroom two-storey dwelling as set out in the London Plan 2016, and it also has a generous private rear garden area suitable for a family. It is clear to me that even without the need for further extension, the existing accommodation is of a sufficient size to be reconfigured, or the space used in a more flexible way, to provide an attractive family sized home and overcome the existing perceived deficiencies in terms of layout and light.
7. I therefore conclude that the property is not suitable for conversion in principle in the light of relevant local and national policies. The proposed development would conflict with the development plan, in particular Policy DMP 17 of the DMPDPD which seeks to maintain family sized housing within the Borough.

Living conditions of future occupiers

8. The sole window to the second bedroom of the proposed ground floor flat would look out onto a small lightwell. It would be less than a metre away from the facing wall of the proposed kitchen extension, and the outlook from it further constrained by the brick wall which extends along the site's common boundary. I have taken into consideration the appellant's plans to dress the rear wall of the lightwell with a living green wall, and the size of the existing bedroom window. However, given how close the wall would be to this window, even if its appearance were to be softened, it would still significantly constrain the outlook from the bedroom and would be harmfully oppressive.
9. I understand that the appellant would consider extending the size of the lightwell should I find the appeal proposal harmful in this respect. However, I am required to deal with the appeal on the basis of the plans which were before the Council when they made their decision. A change to the size of the lightwell and kitchen extension would not be a minor amendment, and taking into account advice on the use of planning conditions as set out in paragraph 206 of the National Planning Policy Framework (the Framework),

and in Planning Practice Guidance¹, it would not be a matter which it would be reasonable to deal with by way of a condition.

10. I conclude that the appeal proposal would not provide for acceptable living conditions for its future occupiers with particular regard to outlook. The proposal would conflict with one of the core principles of the Framework, which seeks to ensure a good standard of amenity is provided for all existing and future occupiers of land and buildings.

Living conditions of neighbours

11. The Council are concerned that the proposed first floor extension would have a harmful effect on the amount of daylight available to the first floor window of the adjoining property, 9 Ranelagh Road. On my visit to the site I was afforded access to No 9. Its first floor window is currently affixed with obscure glass and serves a bathroom. In view of the non-habitable use of this room, any marginal loss of daylight to it as a result on the appeal proposal, would not be materially harmful to the living conditions of the occupiers of No 9.
12. I conclude that the appeal proposal would not have a harmful effect on the living conditions of the neighbouring occupants of 9 Ranelagh Road, with particular regard to daylight. I therefore find no conflict the Framework which seeks to ensure a good standard of amenity is provided for all existing and future occupiers of land and buildings.

Other Matters

13. I recognise that there are other similar properties in the street and nearby which have previously been converted to flats. However, although some information has been provided of cases which the appellant considers to be comparable, I do not know the exact details and site specific circumstances for each case to enable me to determine if they are directly comparable. In any event, each application must be considered on its own merits and in accordance with the relevant policies of the development plan at that time. I therefore give those other examples limited weight.

Conclusion

14. Although I have found that the appeal proposal would not have a harmful effect on the living conditions of the occupants of 9 Ranelagh Road, I have found that the property is not suitable for conversion in principle, and would not provide for acceptable living conditions for its future occupiers with particular regard to outlook. I therefore conclude for the reasons set out above and taking into account all other matters raised, that the appeal should be dismissed.

Elizabeth Pleasant

INSPECTOR

¹ Planning Practice Guidance, Ref ID:21-012-20140306