
Appeal Decision

Site visit made on 28 March 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 26th April 2017

Appeal Ref: APP/T5150/W/16/3166081
90A Sandringham Road, London NW2 5EN

- 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 Jim Potter against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3011, dated 12 July 2016, was refused by a notice dated 21 September 2016.
 - The development proposed is the subdivision of an existing 5 bed split level self-contained flat into 2 self-contained flats, 1 x 1 bed, 1 x studio. Also re-positioning of the first floor window on north facing side elevation and replace one, already approved, rear dormer window with double doors and Juliet balcony.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposed development set out above is taken from the application form. However, the external works are not shown on the plans submitted with the appeal documentation and it is clear from the Council Officer's report that these works did not form part of their considerations. The appellant has subsequently confirmed that the appeal case relates solely to the conversion and not to any external works. I have therefore confined my considerations solely to the proposal to subdivide the existing 5 bed split level self-contained flat into 2 self-contained flats, 1 x 1 bed, 1 x studio as shown on Proposed Drawing Refs: SO-703-03 Rev D; SO-703-04 Rev C; SO-703-05 Rev B; SO-703-06 Rev B; and SO-703-07 Rev B.
 3. It was clear from my site visit that works for the conversion had commenced, with the partition walls, kitchens and bathrooms in place. From what I saw, and from the evidence before me, there is no suggestion that the works being undertaken are not in accordance with those proposed in this appeal case.
 4. Policies from the Brent Unitary Development Plan, 2004 referred to by the Council in its decision notice have been superseded by policies from Brent's Development Management Policies, Development Plan Document (DMPDPD) 2016, which has been adopted since this appeal was submitted.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 has provided details of the policies within the DMPDPD which it now considers to be relevant, and the appellant has had an opportunity to comment on them. No party has therefore been prejudiced.
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Main Issues

5. 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 internal and external space.

Reasons

Whether the property is suitable for conversion in principle

6. The appeal premises comprise the upper two floors of an attractive double fronted end of terrace property. The second floor is contained within the roof space. The ground floor of the existing property is a self-contained flat which retains the rear garden as its external amenity space.
7. The existing accommodation has a floor area of approximately 107 square metres (sqm) split over the first and second floor. The existing plans submitted with appeal proposals show the accommodation to comprise four bedrooms, two bathrooms, a reception room and a kitchen both at first floor and second floor level. It is understood that prior to the installation of the second floor kitchen this room had been a bedroom, and the maisonette provided a total of five bedrooms.
8. Policy CP 21 of the London Borough of Brent's Core Strategy, 2010 (CS) seeks to maintain and provide a balanced housing stock in Brent by, amongst other things, protecting existing accommodation that meets known needs. Policy DMP 17 of the DMPDPD seeks 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 sqm 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.
9. The existing accommodation provides for a least four bedrooms and the overall size of the maisonette exceeds the minimum space standard required for a five bedroom, two-storey dwelling as set out in the London Plan 2016. It should therefore be considered to be a family sized home which should be protected unless the amenity it provides is so deficient that family accommodation is unlikely, and could not reasonably be changed to overcome such deficiencies.
10. The two large bay windowed rooms at first floor level provide light and spacious accommodation, whilst the rear dormer windows provide the second floor rooms with a good outlook, reasonable ceiling heights and are well lit. Whilst I accept that if it was fully occupied as a five bedroom dwelling the accommodation would be congested, overall the space is more than adequate for a three or four bedroom family sized dwelling.
11. I have had regard to the position of the accommodation at first and second floor level which limits its accessibility in the absence of a lift. However, whilst I recognise that such accommodation may not be attractive to families with

small children, the single flight of stairs would not be prohibitive to them. Furthermore, the light and spacious size of the accommodation would provide flexibility in terms of its use and layout which would be attractive to other sectors of the housing market that require family sized housing.

12. The accommodation does not have access to an area of private amenity space, and nor are there any on-site parking facilities. However, the Council makes it clear in the supporting text to Policy DMP 17 (paragraph 10.29) that the lack of amenity space will not automatically allow for the conversion to smaller dwellings. In this instance the site is located on a quiet residential street where there is other family housing and good access to public transport, local shops, parks and schools. Therefore, although the absence of these on-site amenities may detract from the property's appeal to some families, the accommodation would not be so deficient in amenities to render it totally unsuitable for family use.
13. I understand that new family housing is currently being constructed within the Borough. However, Policies CP 21 and DMP 17 seek to maintain the Borough's existing stock of family sized housing. The provision of new housing does not outweigh the harm I have identified through the loss of a property which is currently providing suitably sized family accommodation, and I therefore give this consideration limited weight.
14. I conclude that the appeal 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 CP 21 of the CS and Policy DMP 17 of the DMPDPD which seek to maintain family sized housing within the Borough.

Living conditions of future occupiers

15. The proposed development would create two self-contained flats which the Council believe would fail to meet minimum space standards, resulting in a poor standard of living accommodation for future occupiers.
16. The proposed second floor flat is laid out as a one bedroom, one person flat and is shown as having a usable gross internal floor area (GIA) of 38 sqm, taking into account the sloping ceilings. Whilst the Council consider the bedroom size to be suitable for occupancy by two persons, given the restricted head height over a large portion of the room I would agree with the appellant that it should be considered to be a one bed, one person flat. The second floor flat would meet the 37 sqm minimum space standard required for a one bedroom, one person flat with a shower room.
17. The proposed first floor flat is laid out with one double bedroom and a study. Although the appellant has made it clear that the flat has not been designed to accommodate three people, it is clear from the size of the study that this room would be suitable for use as a single bedroom. Moreover, there would be nothing to prevent future occupiers from using this room for that purpose. I therefore agree with the Council that the first floor flat should be considered to be a two bedroom, three person flat (2B3p). To meet the minimum space standards set out in the Policy 3.5, Table 3.3 of the London Plan, 2016, a 2B3p flat should have a minimum GIA of 61 square metres (sqm). The first floor flat in this case would only have a GIA of 59.2 sqm.

18. Policy DMP18 of the DMPDPD makes it clear that the size of dwellings should be consistent with the requirements of the London Plan with the aim of improving the quality of residential accommodation within the Borough. However, in view of the well laid out, light and airy accommodation the flat would provide, a marginal breach in the standards would not result in a poor standard of living accommodation for future occupiers. Furthermore, as set out earlier in this decision, the property is sustainably located with good access to public transport, local parks, shops and services. Therefore, the absence of any private amenity space in this instance would not be significantly harmful to the living conditions of future occupiers.
19. I conclude that the proposed development would provide for acceptable living conditions for future occupiers, with particular regard to internal and external space. Whilst there would be a marginal breach in the minimum space standards, it would not conflict with the overall aims of the development plan, and in particular with Policy 3.5 of the London Plan which seeks to secure housing development which provides high quality homes, internally and externally in relation to their context.

Conclusion

20. Although I have found that the appeal proposal would provide for satisfactory living conditions for future occupiers, with particular regard to internal and external space, I have found that it would not be suitable for conversion in principle, in the light of local and national policies. 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