
Appeal Decision

Site visit made on 10 May 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 31 May 2017

Appeal Ref: APP/T5150/W/17/3169197

Neasden Electronics, Rear of 117 Kenton Road, Harrow HA3 0AZ

- 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 Mitul Mehta of Neasden Electronics Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5024, dated 19 November 2016, was refused by notice dated 31 January 2017.
 - The development proposed is described as: "Demolition of rear extension and garage to existing retail unit and erection of a three storey rear extension along with the conversion of the existing upper floors to provide a total number of 8 self-contained flats (3 x 1 bed and 5 x studios) with associated alterations to include the enlargement of the front dormer window, installation of side railings, cycle racks and provision for bin stores".
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form as this is consistent with the decision notice and accurately describes the proposal.

Main Issues

3. The main issues are the effect of the development on: (i) the character and appearance of the area; (ii) the living conditions of neighbouring residents, with regard to light, outlook and privacy; (iii) the living conditions of future occupiers, with regard to the internal dimensions and layout, and external amenity space and; (iv) highway safety.

Reasons

Character and Appearance

4. The appeal property is a two-storey mixed use development, located on the corner of Kenton Road and Churchill Avenue. It forms the end of a terrace comprising commercial units on the ground floor with residential accommodation above. The property includes single-storey elements to the rear and an area of car parking. At the rear of the site there is an access serving the properties fronting Kenton Road. Beyond this access, there is a semi-detached house at No 1 Churchill Avenue.
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5. The area is characterised by a mix of residential and commercial uses, although Churchill Avenue is predominantly residential. The appeal property is two-storey, but there are taller buildings in the vicinity, including a three-storey development on the opposite corner and a modern development of flats to the north-east.
6. The existing building comprises commercial units on the ground floor with residential accommodation on the first floor and within the roofspace. The proposed development would involve the replacement of the single-storey elements of the building with a two and a half storey rear extension. The extension would extend beyond the existing rear wall into the parking area, although the rear access would be retained. The proposed ridge height would maintain the ridge height of the existing building, and the roof would include dormer windows, facing towards Churchill Avenue and Kenton Road. The development would provide a total of eight residential units. There would be no outdoor amenity space or car parking to serve the development, but there would be an area for cycle parking at the rear.
7. The rear extension would be a relatively large and imposing development, due to the mass, bulk and scale of the building, and its corner location. Whilst there is a three storey building opposite the site, this has single-storey elements to the rear which form a transition between the three-storey commercial Kenton Road buildings, with the two-storey residential development along Churchill Avenue. In contrast, the two and half storey development would extend further along Churchill Avenue towards the site boundary, and it would have a gable rather than hipped roof, which would be more visually imposing. The access road would form a break in development, but the tall gable end of the extension would be relatively close to the more modest pair of semi-detached houses adjoining the site. The proposed development would jar with the existing semi-detached houses and it would not complement the established pattern of development in the area.
8. The development would be sited further forward towards the road than No 1 Churchill Avenue and it would stand out in the street scene as an incongruous and visually dominant structure. The gable elevation would be particularly obtrusive in views from further along Churchill Avenue and from the front gardens of the houses at the rear. As described above, there is a tall modern development of flats to the north-east, but the extension would be seen in the context of the development immediately adjoining it, and it would appear out-of-character. I appreciate that the extension would be set back from the edge of the pavement, but there would be insufficient space to provide any substantial landscaping. The three-storey building on the opposite corner is sited at the rear of the footway, and is also in front of the building line of the houses on Churchill Avenue. However, as explained above, it does not extend as far along Churchill Avenue and includes single-storey elements, which lessen its dominant appearance in the street scene.
9. The appellant suggests that the development would improve the visual appearance of the site and make better use of the land. I agree that the views across the site towards the rear of the terrace fronting Kenton Road are that of a rear service yard. Nonetheless, I do not agree that the development would improve the area due to the poor relationship with the existing development as set out above, in particular, the adjoining semi-detached houses.

10. To conclude on this issue, I find that the development would have an adverse effect on the character and appearance of the area. Consequently, it would not accord with Policy DMP1 of the Development Management Policies,¹ which seeks ensure development complements the locality and the Council's Supplementary Planning Guidance (SPG 17)² which, amongst other things, aims to encourage high quality design.

Living Conditions: Neighbouring residents

11. The Council is concerned that the development would lead to a loss of light and outlook to the occupiers of the flats above Nos 119, 121, 123, 125, 127 and 129 Kenton Road. The appellant contests that the floors above the commercial units are all in residential use. However, during the site visit I saw separate means of access to Nos 119A, 121A, 123A and 125A, which suggests the upper floors are in separate occupation to the commercial units. Also, there were curtains to the majority of the rear windows that indicates that the uses are residential.
12. There is a first floor rear window at No 119, a first floor bay window at No 121 and another window at No 123, all of which appear to serve habitable rooms. These windows would be relatively close to the development. Due to the size and scale of the rear extension proposed, it is likely that there would be a material loss of daylight to these windows, some of which may be the only source of light to the rooms. It is also likely that the rear extension would affect levels sunlight during the afternoon/evening in the summer months due to its size and its location. Moreover, the extension would be a large and dominate structure that would affect the outlook from the rear windows of Nos 119, 121 and 123. This adverse effect would not be alleviated by the glass panels on the north-east elevation.
13. There are also first floor rear windows at Nos 125, 127 and 129, but these are further away from the development and its effect would be less significant.
14. The appellant refers to Hillrise Court, which is larger than the proposed extension. Whilst this has an impact on neighbouring properties, this does not justify further development of this nature.
15. There is a small garden at the rear of No 121, but I could not be certain that this is amenity space as there did not appear to be any access to the residential accommodation above. No 125A and the neighbouring property both had access to a small yard, but this was not enclosed. In view of these site circumstances, I am satisfied that the development would not affect the enjoyment of any amenity space associated with the neighbouring flats.
16. No 1 Churchill Avenue has a rear garden and the Council is concerned that this would be overlooked by the first and second floor windows in the south-east gable of the development. However, I saw that the garden is not completely private at present as there are likely to be views from existing adjoining development. Consequently, I do not find that the development would lead to a material loss of privacy to the occupiers of No 1 Churchill Avenue.
17. Notwithstanding the lack of objection from neighbours, I find that there would be an adverse effect on the living conditions of the occupiers of the flats above

¹ London Borough of Brent Local Plan: Development Management Policies, November 2016

² Design Guide for New Development adopted October 2001

Nos 119, 121 and 123 Kenton Road due to loss of light and outlook. The development would not accord with Policy DMP1 of the Development Management Policies and the guidance of SPG17, which seek to ensure that development complements the locality and negative consequences in terms of loss of sunlight/daylight are limited.

Living Conditions: Future occupants

18. The Council considers that the bedrooms of two ground floor flats would be unsuitable in terms of their size. Policy DMP18 requires the size of dwellings to be consistent with the London Plan Policy 3.5 Table 3.3 'Minimum Space Standards for New Dwellings'. The appellant has submitted a revised plan showing an amended internal layout for the ground floor flats. Whilst I have not accepted this plan as an amendment to the planning application, I am satisfied that the internal space would meet the required standards with minor internal alterations. Crucially, the total floorspace of both flats complies with the relevant standards and, consequently, I am satisfied that the living accommodation provided would not be substandard in terms of size.
19. Also, the Council considers that the stacking would be problematic because the bedrooms within the ground floor flats would be located directly below the upper flat's kitchen and the communal staircase, respectively. This would not accord with SPG17 which seeks to limit noise intrusion. However, I note from the Officer's delegated report that a condition requiring details of sound insulation between floors would address this. I agree that a suitably worded condition could overcome the conflict with SPG17.
20. The built form of the development would occupy the majority of the site and there would be no external amenity space provided for the use of future occupiers. Policy DMP19 of the Development Management Policies requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy the proposed residents' needs. This is normally expected to be 20 sqm per flat. Therefore, the development would be in conflict with this policy and also SPG17, which reflects the requirements of Policy DMP19 in terms of open space standards.
21. The appellant explains that the site is constrained due to its location and there is very limited scope for providing amenity space. Also, it is argued that the type of residential accommodation proposed is unsuitable for families, and open space should not therefore be a requirement. Given the location of the site, I agree that it would be difficult to provide an area of amenity space of a suitable size that would not be overlooked or otherwise compromised by the adjoining commercial uses. Moreover, the site is within walking distance of two public parks which are accessible to pedestrians. The parks would provide facilities for outdoor recreation that is more likely to satisfy residents' needs than any outdoor space which could be provided on site. Consequently, I find that the development should not fail for this reason alone. Although the requirements of Policy DMP19 would not be met, the site constraints and proximity to local parks justify a lower standard in this case.
22. Overall, I conclude on this issue that the development would provide suitable living conditions of future occupiers. The development would meet the aims of Policies DMD18, DMD19 and SPG17, which, in combination, seek to ensure a suitable quality of residential accommodation.

Highway Safety

23. The scheme would not include any parking, either for occupants or visitors. The site is not within a Controlled Parking Zone and therefore a car-free development could not be enforced. Consequently, it is likely that there would be increased parking on-street, in particular, along Churchill Avenue. The Council is concerned that this would be detrimental to highway safety.
24. The appellant states that the area has a Public Transport Accessibility Level (PTAL) of 6a with very good access to services and public transport. Also, the proposed units would not be suitable for families and future occupants are more likely to use public transport. I agree that there is a case for accepting a lower amount of parking than would normally be required due to the site's location and PTAL rating.
25. I saw that many of the houses on Churchill Avenue have off-street parking and at the time of my site visit, there was not a high level of on-street parking. I have no information as to whether the area has a high level of parking stress at present. On the basis of the evidence before me, it is likely that parking associated with the development could be accommodated on-street, despite the parking restrictions in front of the site. I appreciate the Council's concerns, but there is no evidence to suggest that the parking restrictions would not be adhered to.
26. The appellant asserts that the commercial uses do not generate large amounts of car parking and not all units have access to parking at present. It is also possible that parking on the site could be prevented at any time as the land is in private ownership. Consequently, I do not consider that displaced parking from the site should be reason to reject the proposal.
27. In view of the lack of evidence to demonstrate high levels of parking stress in the area, the good access to public transport and the likely occupation of the proposed units, I do not agree that any increase in on-street parking would adversely affect highway safety. Consequently, the development would accord with Policy DMP12 of the Development Management Policies which seeks to manage the impact of car parking.

Conclusion

28. I appreciate that the site is well located for access to services and transport options, and future occupants may support local businesses thereby contributing to a vibrant local economy. The development would also make a contribution to the local housing supply. Further, the appellant considers that encouraging higher density development in this location would be consistent with wider strategic aims for London. I have taken these benefits into account, but, overall, I conclude that they do not outweigh the harm.
29. Therefore, for the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector