
Appeal Decision

Site visit made on 13 June 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 13 July 2017

Appeal Ref: APP/T5150/W/17/3171774
141 Church Lane, London NW9 8JX

- 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 Jesani against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/2916, dated 5 July 2016, was refused by notice dated 24 February 2017.
 - The development is described as retrospective planning consent is sought for the conversion of a dwelling into two self contained dwellings, including a retained family property and a self-contained 2-bedroom (3 person) flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form states that the conversion started in April 2015 but that it had not yet been completed. At the time of my visit the two storey side extension was in use as a separate flat with a layout as shown on the existing plans. The rear garden area had not been subdivided. In reaching my decision I have assessed the conversion as shown on the proposed plans and not as viewed at my visit.

Main Issues

3. The main issues are:
 - whether future occupiers of the flat would have satisfactory living conditions having regard to the size of the accommodation;
 - the effect of the proposed garden layout on the character and appearance of the area.

Reasons

Living conditions

4. The main parties agree that the two bedroomed flat which is split over two floors has a gross internal area (GIA) of 60 square metres. Policy 3.5 of the London Plan (LP) states that housing developments should be of the highest quality internally and externally with reference made to the minimum space standards set out in Table 3.3. These are consistent with the nationally

described space standard which requires a minimum GIA of 70 square metres for a two bedroom, three person, two storey dwelling. The GIA of the flat falls well below the minimum standard and I also note that neither of the two bedrooms meets the minimum GIA for a double bedroom. The standard states that a dwelling with two or more bed spaces should have at least one double (or twin) bedroom.

5. Whilst I note that all habitable rooms are served by windows, that an open plan living area is proposed together with access to external amenity space and parking, that the site has access to nearby services and facilities and the availability of modern technology and furnishings, this does not outweigh the shortfall in the GIA of the flat which is more than marginal. Having regard to this shortfall and to the particular layout of the flat, I consider that the level of accommodation would be substandard and cramped.
6. Taking the above matters into consideration, I conclude that future occupiers of the flat would not have satisfactory living conditions having regard to the size of the accommodation. The appeal scheme is therefore contrary to Policy 3.5 of the LP, Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (DMP), to guidance contained within the Council's Design Guide for New Development – Supplementary Planning Guidance (SPG17) and to the national described space standards. These policies and this guidance seek, amongst other things, housing developments which provide an appropriate level of residential quality and amenity.

Character and appearance

7. The appeal site is located in a prominent corner position within a predominantly residential area. The majority of the side boundary of the site adjacent to Lavender Avenue is marked by a solid concrete panel fence and breeze block wall meaning that views into the rear garden from Lavender Avenue are limited.
8. The appeal scheme includes the subdivision of the existing rear garden to provide two separate gardens for the retained dwelling and the flat. The garden for the flat would be adjacent to Lavender Avenue and would be separated from the garden for the dwelling by a fence. Whilst the size and shape of the proposed gardens would differ to those within the immediate surrounding area and would represent a different pattern of development, existing boundary treatment along Lavender Avenue means that the subdivision would not be prominent or evident from public vantage points.
9. Taking the above matters into consideration, I conclude that the proposed garden layout would not have a significant adverse effect on the character and appearance of the area. The appeal scheme therefore complies with Policy 3.5 of the LP, Policy DMP1 of the DMP and guidance contained within SPG17 insofar as they relate to character and appearance. These policies and this guidance seek, amongst other things, high quality housing developments that take account of local character.

Other Matters

10. In reaching my decision I have had regard to the fact that the appeal scheme would provide an additional dwelling by re-using an existing building in an accessible location with good access to a wide range of services and facilities

including open space. It would contribute to the housing needs of the area and would also provide some modest economic benefits and environmental benefits by the use of sustainable design and construction. However these benefits would be limited given that only one additional dwelling would be provided and would not outweigh the harm that I have identified.

Conclusion

11. The proposed garden layout would not have a significant adverse effect on the character and appearance of the area. However future occupiers of the flat would not have satisfactory living conditions having regard to the size of the accommodation. The appeal scheme is therefore contrary to the development plan when taken as a whole.
12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR