



Appeal Decision

Site visit made on 6 November 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 28th November 2017

Appeal Ref: APP/T5150/W/17/3180366

90 Holyrood Gardens, Edgware HA8 5LR

- 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 Harsha Siyani against the decision of the Council of the London Borough of Brent.
 - The application Ref 17/1050, dated 8 March 2017, was refused by notice dated 20 June 2017.
 - The development proposed is the conversion of the dwelling house into 2 self-contained flats (1 x 2 bed and 1 x 4 bed) with associated car parking, bin stores and amenity spaces.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. Revised drawings were submitted with the appeal. These include alterations to the front forecourt, the widening of the vehicular crossing and changes to room sizes. I acknowledge that these revisions have been submitted in response to the Council's concerns. However, the appeal process should not be used to evolve a scheme. There is no evidence before me that these revised drawings have been the subject of public consultation and therefore I am not satisfied that in accepting these plans interests parties would not be prejudiced. Accordingly, I have determined the appeal based on those drawings considered by the Council in their determination of the planning application.

Main Issues

3. The main issues are:
 - the effect the proposal would have on the supply of family sized dwellings in the area;
 - whether the proposal would provide adequate living conditions for future occupants, with particular regard to the amount of floor space;
 - the effect on highway safety;
 - the effect on the character and appearance of the area; and
 - whether it would provide adequate cycle storage provision.

Reasons

Supply of Family Housing and Living Conditions

4. Policy DMP17 of the London Borough of Brent Local Plan Development Management Policies (the LP) 2016 states that in order to maintain family size housing development involving the conversion of a family sized home, which is defined as 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.
5. The appeal property comprises a 5 bedroom, two-storey with loft conversion, semi-detached dwelling located within a predominantly residential area. The proposal would split the dwelling into two units comprising a 4 bedroom unit at ground floor and a 2 bedroom unit on the first and second floors. There is no dispute that the existing home is in excess of 130sqm. Therefore, the first criterion is met.
6. The Council contend that even though the study on the first floor would fall short of the Technical Housing Standards – Nationally Described Space Standard (the THS) 2015 for a single bedroom by 0.5m given its layout and size it is likely that it could be used as such. Whilst I note that the room is annotated as a study on the drawings, that is not to say that it would remain as such in the future. Therefore, it seems to me that that the Councils approach is reasonable and on this basis the unit should be considered as a 3 bedroom 5 person unit.
7. The THS states that a 3 bedroom 5 person unit should have a minimum gross internal area of 93sqm, which is also reflected in Policy 3.5 of the London Plan 2016. The proposed unit would only be 89 sqm. Therefore, it would fall short of the minimum space standards.
8. With regard to the ground floor unit, this would be a 4 bedroom 8 person unit. The THS and the London Plan 2016 require a minimum of 117 sqm for such units. The proposed unit would be 100 sqm, which would be far short of the minimum standards.
9. Consequently, in failing to meet the minimum standards both of the units would provide an oppressively confined level of accommodation that would be detrimental to the wellbeing of their occupants. This harm would be exacerbated by the layout of the two units with the first floor kitchen being located directly above two of the ground floor bedrooms. This layout would result in a level of noise and disturbance which, by itself, would not be significantly harmful. However, in conjunction with the inadequate amount of floorspace it would contribute to the overall unacceptable living conditions.
10. In addition, the first floor unit would not have any direct access to private outdoor amenity space. I note that the front garden is accessible. However, it is clearly overlooked from the adjacent highway and the ground floor bedroom and therefore would not provide suitable private space.
11. I find therefore that both residential units would provide inadequate living conditions that would be harmful to the wellbeing of future occupants. Consequently, neither of the units would provide suitable occupation for a family. Therefore, the proposal would result in the loss of a family size unit. As such, it would be contrary to Policy DMP17 of the LP, the THS and Policy 3.5 of the London Plan. It would also be contrary to Policies DMP1 and DMP18 of the LP, which seek to ensure that development provides high levels of internal and

external amenity; and, that the size of dwellings should be consistent with Policy 3.5 Table 3.3 of the London Plan 2016.

Highway Safety, Character and Appearance and Cycle Storage Provision

12. In accordance with Appendix 1 of the LP the proposal would require a maximum 3 parking spaces, which is one more than required by the existing dwelling. The Council accept that there is sufficient on street parking provision to accommodate one of the spaces. Based on the evidence before me and the observations I made during my site visits I find no reason to conclude otherwise.
13. The remaining two car parking spaces are proposed to be provided on the front forecourt. There is an existing vehicular crossing providing access to the forecourt. However, the crossing is only 2.4m wide and would only serve one of these spaces. The proposal does not include the widening of this crossing and therefore the second parking space could only be accessed over the footway, which the Council confirm is an offence.
14. Therefore, the proposal would only provide one suitable parking space leaving the remaining two required spaces to be accommodated on the street. The Council confirm that Holyrood Gardens is not a heavily parked street and is wide enough to accommodate parking on both sides. During my site visit I observed a large number of vacant on street parking spaces and whilst I appreciate that this was just a snap shot in time, there is no evidence to suggest that it was not typical circumstances.
15. Policy DMP12 of the LP states that additional parking provision should not have negative impacts on existing parking, highways, other forms of movement or the environment. It goes on to state that development will be supported where it does not, amongst other things, add to on-street parking demand where on-street parking spaces cannot meet existing demand such as on heavily parked streets, or otherwise harm existing on street parking conditions. Based on the evidence before me, in lieu of the unsuitable second onsite parking space, an additional vehicle to that already found to be acceptable by the Council could be satisfactorily accommodated on the street without harming existing parking conditions.
16. The Council also refer to the lack of sufficient soft landscaping to the front of the property. Policy DMP12 of the LP requires off street parking to provide adequate soft landscaping, in the case of front gardens 50% coverage, and boundary treatment to offset any visual harm and increase surface runoff. The proposal would not provide the required level of landscaping coverage nor is there any indication of boundary treatment. Similarly, the proposal would only provide two cycle storage spaces. This would fail to accord with the requirement of four spaces as set out in Policy 6.9 of the London Plan 2016. However, I find no reason why these landscaping, boundary treatment and cycle storage details could not be provided for through the imposition of appropriately worded conditions were I minded to allow the appeal.
17. Therefore, subject to appropriately worded conditions, I find that the proposal would not have any significant harm to highway safety or the character and appearance of the area. Furthermore, it would provide adequate cycle storage provision. As such, it would comply with Policy DMP 12 of the LP or Policy 6.9 of the London Plan 2016. Furthermore, I find no conflict with Policy DMP1 of

the LP, which seeks to ensure that development is satisfactory in terms of means of access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.

18. In their third reason for refusal as set out in the Decision Notice, the Council cite Policy DMP11 of the LP. However, as the proposal does not include the formation of a crossing, I do not find that this policy is relevant.

Conclusion

19. I have found no significant harm in respect of highway safety, the character and appearance of the area or cycle storage provision. However, these are neutral effects and do not outweigh the harm the proposal would have on the supply of family sized dwellings in the Borough and the living conditions of the future occupants of the residential units.
20. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR