
Appeal Decision

Site visit made on 14 November 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 30th November 2017

Appeal Ref: APP/T5150/W/17/3181145
34 Christchurch Avenue, London NW6 7QR

- 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 Sohail Sarbuland against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/5074, dated 23 November 2016, was refused by notice dated 7 February 2017.
 - The development proposed is loft conversion with roof alterations to accommodate a self-contained two-bedroom flat with side and rear dormers and rooflights.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised third floor plan and an additional plan showing street elevations have been provided with the appeal. I am satisfied that the plans do not change the overall substance of the scheme and no party would be prejudiced by my consideration of the plans. I have therefore taken them into account.

Main Issues

3. The main issues are:
 - whether the proposal would provide acceptable living conditions for future residents with particular regard to internal space; and,
 - whether the proposal would preserve or enhance the character or appearance of the Brondesbury Conservation Area.

Reasons

Living Conditions

4. The proposal seeks to increase the height of the property to create a 2 bedroom flat within the extended roofspace. The Council suggests the proposed study room could be capable of being used as a bedroom and thus the proposal should be considered as a 3 bedroom flat capable of accommodating 4 people. Either way, the Council indicate the proposal would provide a total internal floor space of around 87m². This would be in excess of the minimum 74m² required under the NDSS and Policy 3.5 of the London Plan

- 2016¹ for a 3 bedroom, 4 person flat and the 61m² requirement for a 2 bedroom, 3 persons flat.
5. At the time the application was considered by the Council, the flat was shown to have an area of 40m² at 2.56m ceiling height, around 31m² at between 2m and 2.56m height and around 17m² between 1.5m and 2m head height. The NDSS is clear that any area with a headroom of less than 1.5m is not counted within the gross internal area unless used solely for storage
 6. The appellant has provided a revised plan which shows that an area of around 64m² would have a ceiling height of 2.3m or more. I note that would meet the 61m² required for overall floor space for a 2 bedroom, 3 persons flat.
 7. However, that would amount to around 73.56% of the gross internal floor area of the proposed flat. The NDSS indicates that the minimum floor to ceiling height is 2.3m for at least 75% of the gross internal area, regardless of the number of bedrooms.
 8. In any event, even if the proposal were to accord with the standards in the NDSS, London Plan Policy 3.5 indicates that a minimum ceiling height of 2.5m is required for at least 75% of the gross internal area of a dwelling. This is to address the unique heat island effect of London and the density and flatted nature of most of the city's development.
 9. It is not indicated how much floor space would be provided with a 2.5m ceiling height, although drawing 'Proposed Section A-A PP.07' shows a maximum internal height of 2.6m. Nevertheless, the revised floor plan shows the 64m² area with a 2.3m ceiling height would only be slightly larger than the area of the proposed flat roof. Thus, it seems from the evidence before me, that a considerable amount of the floor space proposed would fall short of a minimum 2.5m ceiling height and logically, it would certainly fall below the 64m² shown to have 2.3m. Indeed, I note the Council indicated the proposal originally showed around 40m² of space at 2.56m ceiling height. That would amount to just 46% of the gross internal floor area. As a result, on the basis of the evidence before me, I find the proposal would fail to provide adequate ceiling heights within the proposed flat as required under London Plan Policy 3.5.
 10. Furthermore, the appellant's Design and Access Statement indicates that the existing second floor ceiling level would be slightly lowered. Drawing 'Proposed Section A-A PP.07' shows the maximum internal height of the second floor would have a maximum height of 2.4m. As such, the resulting second floor flat would also have substandard ceiling heights when assessed against Policy 3.5. Taking all of this into account, I find the proposal would provide somewhat oppressive and restrictive living conditions for future residents.
 11. I conclude, therefore, that the proposal would not provide acceptable living conditions for future residents with particular regard to internal space. Consequently, the proposal would conflict with London Plan Policy 3.5, Policy DMP 1 of the London Borough of Brent Local Plan Development Management Policies Local Plan 2016 (DMP LP) which states development should provide high levels of internal amenity and the requirements of the NDSS. It would also conflict with the National Planning Policy Framework (the Framework)

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, 2016

which states that development should always seek to secure a good standard amenity for all existing and future occupants of land and buildings.

Conservation Area

12. The appeal site lies within the Brondesbury Conservation Area (BCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty upon decision makers to safeguard the significance of heritage assets for future generations. It states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
13. The BCA is centred on the thoroughfare of Mowbray Road which is intersected at its core by Christchurch Avenue. With historical origins in the opening up of the nearby railways in the mid-19th century, the area is predominately residential and characterised by a linear pattern of relatively wide tree lined roads. Properties are generally large with a high degree of architectural consistency in their largely Italianate composition. Christchurch Avenue plays a key role in the significance of the BCA, with three storey detached and semi-detached villas with large front gardens and repetitive architectural features such as front porches, quoins, slate roofs and flat arches. The properties along this stretch of the street have a distinct rhythm in the roofline with a consistent difference in height reflecting the gradual incline in topography.
14. The appeal relates to a three-storey, detached property with unique features including a gable, decorative bargeboard and finial with tall chimneys. As a consequence, is somewhat distinct from the semi-detached properties of 36-50 Christchurch Avenue. Nevertheless it reflects the vernacular architecture of the area with a timber front porch, quoins, a slate roof and flat arches. The property is located close to the intersection of Mowbray Road and Christchurch Avenue and, given the topography and low level of 14 Mowbray Road, is a prominent feature and plays an important role in establishing the rhythm of the street scene. As such, it makes a positive contribution towards the significance of the BCA.
15. It is proposed to convert the loft of the existing building and create an additional flat at third floor level. To facilitate this, it is proposed to raise the existing roof above its current level by around 0.5-0.6m. In addition, a dormer window would be provided on either side of the roof, with three dormers located on the rear. There would also be several roof lights incorporated, whilst the roof would be reconfigured to provide a pitch on all sides with a flat area in the centre.
16. The increase in the height of the roof would undoubtedly be visible given the prominence of the property. However, the increase would be relatively modest and not immediately apparent within the wider context. Indeed, the current difference in height between the appeal property and 36 Christchurch Avenue is larger than the typical difference between No 36 – 50. The property would continue to sit below No 36 and the difference in height would be similar to the height differences between the subsequent pairs of semis. As such, a consistent roofline would be ensured.
17. Furthermore, the overall architectural composition of the roof would broadly reflect the existing arrangement whilst the proposed dormers would utilise matching materials of slate sides and timber sash windows. The proposal

would also align the top of the existing window in the front elevation with the eaves, which I agree would appear both proportionally and aesthetically more closely balanced. Moreover, whilst I recognise front rooflights are not a particular characteristic of the sequence of buildings here, they would sit close to the plane of the roof and would align with the existing window pattern on the front elevation.

18. I recognise the increase in the roof height, the creation of a crown roof and the provision of the dormer window would increase the massing of the building behind the chimneys which feature prominently in views from the Christchurch Avenue and Mowbray Road junction. However, those chimneys are already subsumed to a significant degree by the existing roof design. The chimneys would continue to extend above the ridge of the roof whilst the hipped design of the roof would ensure that they stand apart from the main built form of the property. As such, they would, in my view, continue to be read as distinguishable architectural features and would not be unduly subsumed by the proposal.
19. I conclude, therefore, that the proposal would preserve the character and appearance of the Brondesbury Conservation Area. As a consequence, it would accord with Policies DMP 1 and DMP 7 of the DMP LP insofar as they state that development should conserve or enhance the significant of heritage assets. It would also accord with the high quality design aims of the Framework as well as paragraph 131 which states that account should be taken of the desirability of sustaining and enhancing the significant of heritage assets.

Other Matters

20. I note the relatively sustainable location of the appeal site and that the proposal would make a contribution towards boosting the supply of housing in the area. However, that contribution would be relatively modest and such benefits would not outweigh the harm I have identified.
21. I have regard to all concerns of local residents including those in respect of external amenity space, the structural integrity of the building, the effect of the proposal on the living conditions of neighbouring occupiers and property values. However, given my findings in respect of the main issues above, they do not lead me to any different overall conclusion.

Conclusion

22. I have found the proposal would preserve the character and appearance of the BCA. However, I have also found it would fail to provide acceptable living conditions for future residents. That is the prevailing consideration.
23. For the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR