



Appeal Decision

Site visit made on 23 May 2019

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/T5150/W/19/3222443

215A Cricklewood Broadway, London NW2 3HS

- 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 Shahid Aziz against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/3948, dated 7 October 2018, was refused by notice dated 17 December 2018.
 - The development proposed is conversion of one flat to four flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have slightly amended the description of development shown on the application form for precision.

Main Issue

3. The main issues are:
 - whether or not the development provides appropriate living conditions for future occupiers, and
 - whether or not the conversion of a 3 bedroom dwelling would be unacceptable in policy terms.

Reasons

Living Conditions

4. The appeal site is a residential flat spread over three floors, and is situated above a shop off Cricklewood Broadway, which is a main shopping street. The front of the property overlooks the shopping parade with the rear overlooking the rear yards and adjacent residential dwellings.
5. At the site visit, it was clear that the proposed works had been carried out with kitchen areas and shower rooms completed and each flat was also furnished.
6. The property entrance is via a front door which opens directly on to the street, with stairs to the first floor where two flats are proposed (1 studio flat and another 1 bed flat). Beyond this, there would be two, 1 bed flats on the both

the second and third floors. Each flat would have its own secure, lockable entrance door.

7. The Council state that none of the proposed dwellings would meet the minimum space standards of 37sqm (for one bed dwellings with shower rooms) as set out in the Department for Communities and Local Government 'Technical housing standards – nationally described space standard' (2015) (Technical Housing Standards), with the proposed units ranging from 16sqm to 28sqm in area. They would also conflict with Policy DMP18 (Dwelling Size and Residential Outbuildings) of the London Borough of Brent Local Plan (2016) (LP), which sets out that new residential dwellings must accord with the minimum space standards of the London Plan (2016), which echo that of the Technical Housing Standards.
8. The appellant states that the proposals would result in new accommodation being made available to key workers and students in the Borough, where they also consider there to be a shortage and where affordability is an issue. However, the appellant has not provided evidence for this, and I am therefore not persuaded that such benefits would override the requirement to retain or re-provide new family housing.
9. I therefore consider that the proposals would result in the creation of cramped accommodation which would significantly undermine the living conditions of future occupiers. This would be a direct result of the flats being substantially below the minimum threshold set out in the Technical Housing Standards. Their potential affordability for key workers or students, by virtue of their diminished size, would not overcome my concerns in this regard. This would be contrary to policy DMP18 of the LP and the Technical Housing Standards.

Conversion of a 3 bedroomed dwelling

10. The Council's concerns also extend to the loss of the larger 3 bedroom flat to multiple smaller dwellings, in light of what they consider to be a severe lack of family-sized accommodation within the Borough.
11. Policy DMP17 (Conversion of Family Sized Dwellings) of the LP, sets out that dwellings with a floorspace below 130sqm would not be suitable for conversion to smaller dwellings, because such dwellings would meet the needs of families. The appeal site falls considerably below this threshold, whether taking the Appellant's own measured area of 99sqm (from the application form), or the 113.54sqm set out in the officer's report. The proposed development would not re-provide any new family accommodation.
12. There are exceptions to the application of this policy, relating to 'amenity', which could include properties that may be located in noisy or disruptive areas. Whilst the appeal site is located within a busy shopping parade and close to a major road junction, there are clearly rooms facing the rear of the property that would be quieter. I consider the access to the upper floors of the property would be adequate in meeting the needs of most families. I therefore do not consider that the appeal proposal would be an exception to Policy DMP17.
13. Overall, therefore, I find the appeal proposals to be in conflict with policy DMP17 of the LP as well as the Technical Housing Standards. I also find conflict with Policy DMP1 (Development Management General Policy) of the LP which seeks, amongst other things, high levels of internal amenity.

Conclusion

14. For the above reasons, and having considered all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR