



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: 23 July 2019

Appeal Ref: APP/T5150/W/19/3221588

81a St. Johns Avenue, London NW10 4ED

- 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 Kevin Sexton against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/4374, dated 15 November 2018, was refused by notice dated 10 January 2019.
 - The development proposed is conversion of a dwelling house into two flats. 1no. 1-bed 1-person flat, and 1no. 3-bed 4-person flat, with cycle storage proposed to rear garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework was revised in February 2019 (the Framework). I have also taken this into account as part of the determination of this appeal.

Application for costs

3. An application for costs was made by Mr Kevin Sexton against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Main Issue

4. The main issues are:
 - The effect on the living conditions of future occupiers in relation to external and internal space.
 - The effect of proposed parking arrangements in relation to the character and appearance of the street scene.

Reasons

Living Conditions – external amenity space

5. The appeal site is a 6 bedroom end of terrace house with a small front garden and larger enclosed rear garden, situated on the corner of St Johns Avenue and Ashdon Road. The building is three storey including a loft conversion and has been subject to some extensions to the rear. The appeal proposal would result

in the creation of a 1 bedroom flat on the ground floor and a 3 bedroom flat on the first and second floors.

6. The rear garden area would be divided into an external rear terrace for the ground floor flat and a separate garden area beyond this for the upper floor flat. There would be two parking spaces provided to the front of the property and bin and cycle storage would be provided within the rear garden area.
7. The location of the private amenity space for the ground floor flat would be at the same level and accessible via the kitchen/dining area. However, the private amenity space for the first and second floor 3 bed flat would have a more convoluted access. This would be via an internal staircase from the first floor hallway, giving access to a shared outside passageway space to the side of the house. The area for the 3 bed flat is shown as 'garden landscaping area', extending to 14sqm in area on the proposed plan.
8. The bin storage for both flats would also be located within the garden area for the 3 bed flat, further reducing the area of garden available to this unit, as both households would need constant access to part of it. It is not clear from the plans how this would work successfully alongside the retention of a private and secure garden area for the 3 bed flat.
9. The total garden area for both flats, including the shared space and terrace for the ground floor flat would be 27sqm. This would be well below the 50sqm of garden space for a family dwelling required by policy DM19 (Residential amenity space) of the London Borough of Brent Local Plan Development Management Policies (2019) (LP) which seeks to provide adequate amenity space for new homes.
10. This significant under-provision and inappropriate location of garden space would harm the living conditions of future occupiers of the 3 bed flat, which are likely to be families with children.
11. I note that the appellant considers that the standard for external residential amenity space applies to new development, arguing that a conversion would not fall into this category. However, Policy DM19 in my view applies to new dwellings including those that come into being as a result of conversion. The appellant has therefore not provided any exceptional circumstances that would indicate why this standard should be dis-applied in this case.

Living Conditions – internal space

12. The Council claim that the proposed 3 bed flat would fail to meet the national space standard of 2.3m in terms of ceiling height.
13. The lowest ceiling height shown on drawing No. 170803-04-P1 shows 2.4m within bedroom 2 and is unmarked for bedroom 3. The remainder of bedrooms and living rooms are in excess of this. I therefore consider the proposals to be in accordance with the requirement of Policy 3.5 of the London Plan (2016) and Table 3.3 (Minimum space standards for new dwellings), which requires a ceiling height of 2.3m for at least 75% of the gross internal area of the dwelling.
14. The appellant agrees that the inbuilt storage falls 'slightly short' of the policy requirement of 2.5sqm (the appeal proposals contain 0.8sqm for the 3 bed flat) and they have drawn my attention to the fact that the storage would be full

'floor-to-ceiling', thereby providing the same overall volume of storage as units in accordance with the policy. For this reason, I consider the minor conflict with policy 3.5 of the London Plan (2016) would be outweighed by the material considerations highlighted by the appellant.

Parking Arrangements

15. The Council consider that the proposals for a double vehicle crossover within the frontage to the appeal site would be unacceptable in highways safety terms, together with the lack of soft landscaping (in part because of the reduced space). The appellant, however, has made the case that the parking arrangements for two spaces are already in place, albeit the Certificate of Lawfulness (17/4483) was for a single space only. At the site visit, I observed a van that was parked within the frontage of the site but that the area had not been surfaced or landscaped.
16. The highway authority did not object to the proposals, provided that revised plans were resubmitted showing a 2.4m crossover and reinstatement of the footway, together with plans showing suitable landscaping (in their representation, the highways authority specified 30% of the front garden or 10sqm) and an appropriate front boundary treatment.
17. It is not clear from the Council's evidence why two such spaces would be detrimental to highway safety, however, and as a result I am unable to draw a firm conclusion on this aspect.
18. However, in relation to the issue of character and appearance, Policy DMP12 (Parking) of the LP requires adequate landscaping (and in the case of front gardens, 50% coverage). The appeal proposals do not offer any soft landscaping within the parking area, and although I have considered the potential for a planning condition to secure this, it is clear to me that two parking spaces would result in a significant under-provision of soft landscaping. I consider this would result in harm to the character and appearance of the street scene, contrary to policy DMP12.

Other Matters

19. In relation to the proposed ground floor flat, I note that the amenity space would be bounded by a hedge which does not completely enclose the space, as shown in the proposed layout. The Council consider that this does not imply that the space within it is private to that dwelling. However, I consider that this could be dealt with through the use of an appropriately worded condition requiring further details of proposed boundary treatments, such as the provision of a secure gated access. I therefore do not consider that this alone would be a matter that would indicate a refusal.

Conclusions

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

Sian Griffiths

INSPECTOR