



Appeal Decision

Site visit made on 29 July 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2019

Appeal Ref: APP/T5150/W/3229312
165 Edgware Road, London NW9 6LP

- 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 Deviesh Sidhpura against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/3794, dated 28 September 2018, was refused by notice dated 27 November 2018 .
 - The development proposed is two storey side extension to form 2 residential units, a new external stairs, new gate, part conversion of store into parking space and all associated external works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has clarified that the second refusal reason on its decision notice contains a typographical error in referring to Policy DMP21 of the Brent Local Plan – Development Management Policies (2016) (BLP), rather than Policy DMP12. As Policy DMP21 relates solely to the loss of public houses, it is not of any relevance to the appeal proposal before me. Furthermore, it has not been addressed by any of the parties in their appeal submissions. Accordingly, it is not necessary for me to consider the policy any further. However, Policy DMP12 is relevant, as it relates to parking, so I have taken it into account in my considerations.
3. As part of the appeal the appellant has included a revised drawing¹. The revised drawing shows a new metal fence and planting in front of the ground floor unit's front window, and removal of the existing gates onto Springfield Mount. However, these changes would introduce new elements to the proposal and change the application description. It is also not clear from the evidence before me, whether the proposed new fence and planting is on land which is solely under the control of the appellant. Thus, if I were to take this amended plan into account, it would not only change what has been applied for, it would also be prejudicial to the interests of those who would normally have been consulted and deprive them of the opportunity to comment on its potential effects. I have therefore determined this appeal on the basis of the proposal that was refused permission by the Council.

¹ SV 522/P/06 RevB

Main Issues

4. The main issues are the effect of the development on:
- the living conditions of future occupants, with particular regard to outlook and privacy; and
 - car parking provision.

Reasons

Living conditions

5. The appeal site has recent appeal history. A similar proposal for an extension to create two 1-bed flats was dismissed² on 28 January 2019. In that appeal the Inspector found that the ground floor flat would have inadequate privacy and outlook, which would be harmful to the living conditions of future occupants.
6. Although the internal accommodation of the ground floor flat has now been rearranged to create an open plan studio flat, it would still experience unacceptable outlook and privacy issues to the front. This is because the absence of any defined curtilage and the short separation distance between the front window and the parking spaces in front of it would provide a poor outlook and level of privacy when the parking spaces were in use, particularly as the bedroom would now be to the front. Accordingly, there has not been any significant change in this respect to lead me to conclude differently to the previous Inspector on this issue.
7. For the reasons above, I conclude that the development would not provide acceptable living conditions for its future occupants with regard to outlook and privacy. This is contrary to Policy DMP1(a) of the BLP and Policy 3.5 of the London Plan (LP) - Consolidated with alterations 2016, which, among other things, seek to ensure that internal layouts of new housing are functional and fit for purpose to provide acceptable living standards for its occupants.

Parking

8. In the previous appeal, there was no off-street parking provision within the scheme and the Council stated that the proposed development would be likely to increase demand for on-street parking within Springfield Mount by one vehicle. The Inspector was nevertheless satisfied that there was the on-street capacity to meet the parking demand and therefore it was concluded that the proposal would not adversely affect car parking provision in the area.
9. Despite those findings and no change to the scale of the development, the current appeal scheme has sought to provide one parking space within the site, which would satisfy the Council's previously stated requirement. This would effectively be in the form of garaging within what is shown on the drawings to currently be a store room with a roller shutter door. The intention would be to gain access via the existing gates onto Springfield Mount.
10. However, from my observations it appears that the existing gates are designed for pedestrian access only. The drawings I am considering in this appeal do not indicate any alterations to the gates and therefore I could not impose a

² APP/T5150/W/18/3216475

condition requiring their removal or alteration, as that would alter the development proposed. As such, it is unlikely that a vehicle could access the proposed parking, thereby rendering it unusable for its stated purpose.

11. Nevertheless, there has been no change in policy or site circumstances since the previous appeal decision. Moreover, the Council has not provided any further evidence in this appeal to justify the need to provide of off-street parking in this development, focusing rather on the practicalities of the proposed parking arrangement. Therefore, on the basis of the evidence before me, the inability to use the proposed parking space, or the other functional issues raised by the Council, should not count against the proposal. Accordingly, there are no reasons that lead me to conclude differently to the previous Inspector on this issue.
12. For the reasons above, I conclude that the development would not adversely affect car parking provision in the area and would therefore accord with Policy DMP12 of the BLP, which states that development will be supported where it does not harm existing on-street parking conditions. However, this does not outweigh my findings in respect of living conditions.

Other Matters

13. I have had regard to the acceptable appearance of the scheme, absence of harm to neighbours and compliance with internal space standards, but these are matters which do not alter my decision.
14. I was referred to a recent development on Edgware Road but I do not have the details of that scheme and so cannot make a direct comparison. In any case I have considered the appeal proposal on its own merits.
15. The Council refers to noise and disturbance to the occupiers of the proposed ground floor flat from use of the adjacent car park, and the lack of natural surveillance of the flat's windows facing onto this area. However, these matters did not feature in the reasons for refusal and therefore, like the previous Inspector, I have not considered them in determining this appeal.

Conclusion

16. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR