



Appeal Decision

Site visit made on 31 July 2019

by M Harris BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal Ref: APP/T5150/W/19/3229380

First Floor 397 High Road, Wembley HA9 6AA

- 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 M Akhtar against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/0740, dated 25 February 2019, was refused by notice dated 1 May 2019.
 - The development proposed is for the change of use of first floor from a private club (*sui generis*) to 8 dwellings and creation of roof top terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the development would provide adequate living conditions for future occupants, with regard to privacy and outlook; and, the effect of development on the living conditions of the occupants of neighbouring residential properties, with regard to light, privacy and their properties' future redevelopment potential.

Reasons

3. The appeal site is the 1st floor of a two-storey building currently used as a private club. A public house occupies the ground floor with a partly covered beer garden to the rear. The building is located on the south side of High Road, Wembley.
4. The proposals involve the conversion of the 1st floor element of the building to provide eight flats with a roof terrace above. Access would be gained via the existing private entrance on High Street or via an external staircase to the rear of the building accessed along a service route from Rosemead Avenue. This space would also provide storage for bikes and refuse/recycling bins.
5. To the rear of the site there are two apartment buildings both of which have balconies on the rear elevations and one with them to the side, along the alignment of the proposed rear access route.

Living conditions of future occupiers

6. The proposals include a number of single aspect flats with those situated on the boundary of the property including windows which are designed as angled units

- or proposed to be fitted with louvres to direct views away from neighbouring properties. All but one of the flats have roof lights with those to flats three, four and six in close proximity to the edges of the roof terrace above.
7. The external rear access staircase is situated immediately adjacent to a window serving the primary living space of flat four. In order to seek to mitigate any impact on flat four, it is proposed that the lower parts of the window would be obscured but that at least 60% of the window would be unobscured and thus provide good outlook to the living space.
 8. In respect of those flats to the side of the building with boundary windows (flats five and eight), and whilst acknowledging that the proposal to use angled or louvred units could in part mitigate any potential privacy issues, the proposals would be at the expense of outlook to the rooms served. Turning to the rear access stair, the location immediately adjacent to the partially obscured window serving the primary living space of flat four would be harmful in respect of outlook together with a more general perceived loss of privacy.
 9. The appellant has identified a local scheme which also includes single aspect units although I do not have the specific details before me. I do however note that the Council has responded stating that those proposals were of a much larger scale and provided wider benefits and it is clear to me that it is not a comparable scheme to the proposals before me.
 10. As a result, the development would fail to provide adequate living conditions for future occupiers, with regard to privacy and outlook and for these reasons, the proposals are contrary to the Development Plan, specifically Policy 3.5 of the London Plan (2016) and Policy DMP1 of the Brent Development Management Policies (November 2016) in respect of the quality and design of housing and the internal spaces provided.

Impact on neighbouring properties

11. As noted above, the proposed layout includes flats (five and eight) which would only be served by windows to the sides of the building and have the potential to result in varying degrees of overlooking of neighbouring properties.
12. The appellant has highlighted that these windows are already in existence, although I observed during my visit that they are blocked internally. As such, it is stated that overlooking exists already together with restrictions on the ability to redevelop those neighbouring sites by virtue of a need to protect the current use of the site from overlooking or loss of privacy.
13. There is disagreement between the parties as to the level of privacy and light/outlook which the current or future proposed use might have. It is not appropriate for me to speculate through this appeal as to the potential future redevelopment of neighbouring properties. However, I am mindful of the Council's position in respect of the relative impact, and thus harm arising, of loss of light or privacy on the current use or any proposed use that might be sought to be delivered on adjoining sites.
14. The Council have addressed this at the point of determining the application and during the appeal, noting that the current proposals risk prejudicing the future redevelopment of those sites. I agree with this position and for this reason find that the proposals would have an unacceptable impact on neighbouring properties, including privacy and their future redevelopment potential. This

would be contrary to the provisions of Policy 7.6 of the London Plan (2016) insofar as it seeks to ensure proposals are compatible and do not harm their surroundings and the Brent Design Guide SPD1 (2018) in relation to development not precluding or compromising future development nearby nor relying on adjoining sites for light and outlook.

Other Matters

15. Representations have been submitted on behalf of the operators of the ground floor public house in respect of the potential noise impacts arising from its operation. As the Council did not raise noise as a specific reason for refusal of the application and in light of the harm that I have found in respect of the main matters I have not considered this matter further.

Conclusion

16. The appeal is dismissed.

M Harris

INSPECTOR