



Appeal Decision

Site visit made on 17 April 2019

by Euan FS Pearson BA(Hons) BTP FRGS MRICS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 October 2019

Appeal Ref: APP/T5150/W/19/3221676

81 Dagmar Avenue, Wembley HA9 8DQ

- 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 Jesol Umeria (JS Propertyhomes Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/4050, dated 24 October 2018, was refused by notice dated 4 January 2019.
 - The development proposed is conversion of dwellinghouse into 2 self-contained flats (1 x 2 bed) and (1 x 3 bed) and first floor external staircase on the side elevation.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of dwellinghouse into two self-contained flats (1 x 2 bed) and (1 x 3 bed) and first floor external staircase on the side elevation at 81 Dagmar Avenue, Wembley HA9 8DQ in accordance with the terms of the application, Ref 18/4050, dated 24 October 2018, subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2017/97-01, 2017/97-02, 2017/97-03 Rev A, 2017/97-04, 2017/97-05 Rev A, 2017/97-06 Rev B and 2017/97-07.

3) Details of the proposed balcony and external staircase, to be coloured white, shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. The approved details shall be implemented and thereafter permanently retained.

4) Details of the proposed cycle storage shall be submitted to and approved in writing by the local planning authority before the relevant part of the work is begun. The approved details shall be implemented and thereafter permanently retained.

Procedural Matters

2. The description of development has been altered by the Council when issuing its decision. I have used that as it accurately describes the proposed development. The appellant has brought to my attention an earlier appeal decision Ref APP/T5150/W/18/3204761, I have taken that into account.

Main Issues

3. The main issues are the effects of the proposal on 1) the living conditions of the occupiers of the proposed flats, having regard to the provision of private outdoor amenity space; and 2) the character and appearance of the host building and surrounding area, having regard to the proposed external stairs.

Reasons

Living conditions

4. The appeal property is a detached two storey dwellinghouse with outrigger, on the corner of Dagmar Avenue and Roskild Court, the latter a short cul-de-sac with low rise flats. I note that a feature of the front elevation is a first floor balcony with white painted balustrade.
5. The proposed development would include the partitioning of the rear garden, to provide both flats with private amenity space. Having regard to that proposed for each flat, I am satisfied that the extent of space would be adequate for occupiers. Such a view is shared by the Council. However, access to the garden from the proposed upstairs flat would be via a new staircase on the outrigger's west facing elevation. The Council consider the external staircase unacceptable.
6. The Council considers that the upstairs flat would not have 'direct' access to its rear garden. I do not agree. The staircase and outside passage are enclosed and only accessible from the upstairs flat. These take occupants straight to the rear garden without having to cross/pass through other private or public space.
7. Therefore, the proposal would comply with Policy DMP17 of the London Borough of Brent Local Plan, Development Management Policies 2016, which amongst other matters, allows the conversion of a home to 2 or more dwellings where it results in a 3 bedroom dwelling with direct access to private amenity space/garden.

Character and appearance

8. The proposed staircase would have an open balustrade, similar in appearance to that on the front elevation. I consider that if painted white, it would blend in with the appeal property. The staircase is recessed and would not alter the appearance of the front elevation. In general, visibility is restricted to the communal parts of Roskild Court and glimpses from pedestrians/vehicles traveling eastwards along Dagmar Avenue as the staircase is set back about 12m from the junction.
9. I recognise that this type of side staircase is not common place in the street. However, for the reasons given above, and having regard to there being limited public views of the side of the appeal property, I conclude that the proposed development would not appear visually intrusive, and not have a significant adverse effect on the character and appearance of the appeal property and its surroundings. As such, the proposal accords with Development Management Policy DMP1. Among other things, this requires a high standard of design that respects local context.

Other Matters

10. Concerns have been raised regarding: parking, fire safety, noise, and use of the property as a hotel/unlicensed HMO. The appeal property is within a Controlled Parking Zone and there would be the loss of an off-street parking space. However, no detailed evidence has been presented of any parking capacity issues, locally. Fire safety is considered during the building approval process. Noise complaints from residential premises can be addressed through other legislation. It is for the Council, as local planning and/or licensing authority to investigate any breach of control within the appeal property, and take appropriate action, if any.

Conditions

11. I have imposed conditions with regard to the commencement of the proposed development and the details of the approved plans, in the interests of certainty. I have also required that the materials match the existing dwelling, including colouring the balcony and staircase white, to ensure that the development would be in keeping with the appeal property and those neighbouring. Drawing 2017/97-06 Rev B shows storage for 4 cycles in the front garden. I agree that, for reasons of safety, these should be enclosed and require submission of further details for approval. I do not consider it is necessary to prevent future occupiers from applying to obtain a parking permit, as suggested by the Council. The Framework (paragraph 55) requires that conditions be imposed only where necessary. I see no evidence that such a restriction is necessary.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, the appeal is allowed.

Euan FS Pearson

INSPECTOR