



Appeal Decision

Site visit made on 30 September 2019 by Andreea Spataru BA (Hons) MA

Decision by P J Davies BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2019

Appeal Ref: APP/T5150/W/19/3234594

2 Oxgate Gardens, London NW2 6EB

- 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 Mirza against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1908, dated 27 May 2019, was refused by notice dated 31 July 2019.
 - The development is described as "conversion of dwelling into 3 self-contained flats (1 x 3 bed, 1 x 2 bed and 1 x studio flat) and insertion of an additional front door".
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of dwelling into 3 self-contained flats (1 x 3 bed, 1 x 1 bed and 1 x studio flat) and insertion of an additional front door at 2 Oxgate Gardens, London NW2 6EB, in accordance with the terms of application Ref 19/1908, dated 27 May 2019, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: 2/OG/01; 2/OG/02; 2/OG/03; 2/OG/04; 2/OG/05.
 - 2) Notwithstanding the approved plans, within one month of the date of this decision details of a revised front garden layout and boundary treatment, and the provision for refuse and cycle storage shall be submitted to the local planning authority for approval. The details shall include provision for one off street car parking space. The development shall be carried out in accordance with the approved details and within a timescale to be agreed in writing with the local planning authority.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development above has been taken from the planning application form. The description has been altered by the Council to reflect the proposed plans: conversion of dwelling into 3 self-contained flats (1 x 3 bed, 1 x 1 bed and 1 x studio flat) and insertion of an additional front door. The appeal form and statement refer to the amended description, as such I have treated the appeal on this basis.
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4. At the time of my visit the proposed additional front door was already in place; some of the proposed internal alterations were also completed. Therefore, the appeal proposal is partly retrospective.

Main Issues

5. The main issues are the effect of the proposal on:
 - the living conditions of the future occupier of the proposed studio flat; and
 - the character and appearance of the host property and of the street scene.

Reasons for the Recommendation

Living Conditions

6. 2 Oxgate Gardens is a semi-detached dwelling located in a predominantly residential area. The dwelling has a private drive to the front, a two-storey extension to the side, and a garden to the rear. No objections to the 1 x 3 bedroom dwelling and 1 x 1 bedroom flat have been raised by the Council. From all I have seen, these elements of the proposal are acceptable. The main issue in terms of living conditions therefore relates to the internal space for the studio flat that would be located within the converted attic.
7. Development Management Policies DMP1 and DMP18 of the London Borough of Brent Local Plan (LP) require, amongst other things, for development to provide a high level of internal amenity, and state that the size of dwellings should be consistent with Policy 3.5 of the London Plan in terms of minimum space standards. The minimum space standards are based on the minimum gross internal floor area (GIA).
8. According to the proposed plans, the studio flat would include a storeroom partitioned off from the main living area with an access door. However, I saw at my visit that this area is presently incorporated into the open plan layout of the studio flat. It is a reasonably large area with below standard headroom and is served by electric points. The appellant has confirmed that he would be agreeable to boarding up this area, but ultimately my decision is based on the submitted drawings as described above.
9. The proposed plans indicate that the internal floor area of the flat, not including the storeroom, is 37.2 square metres. Therefore, irrespective of the storeroom, the flat would comply with the minimum GIA standards of the London Plan. In this case the Council has included the storeroom in the floorspace calculation and estimate the GIA to be around 50 square metres. Policy 3.5 requires at least 75% of the GIA to have a minimum 2.3 metres headroom. In these circumstances, the studio flat would not comply with Policy 3.5 of the London Plan. Nonetheless, the purpose of this headroom requirement is to ensure that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. Given that the GIA of the flat would be well in excess of the minimum requirement, and that the flat would be well provided for in terms of natural light and ventilation, I do not consider that the minor conflict with the standards should be a determining factor in this case. Irrespective of whether the storeroom would be open or enclosed, it

would not change the fact that the studio flat would provide a high level of internal amenity with a light and airy environment and sufficient overall space for one person. Therefore, the development would be in general compliance with the fundamental objectives of the relevant Local Plan policies and the London Plan to provide housing of the highest quality and standard. In reaching this conclusion, I have also taken account of the fact that the development would contribute to national and local housing targets.

10. I conclude that there would be no material harm to the living conditions of the future occupier of the studio flat and the proposal would comply with the overall purpose of LP Policies DMP1 and DMP18, and Policy 3.5 of the London Plan.

Character and Appearance

11. The development involves a change to the front elevation to provide an additional front door adjacent to the existing door, to allow separate access to the upper floor flats. I note that guidance in a Supplementary Planning Document 2 says that there should be no additional doors in a front elevation. However, this guidance should be applied to the individual circumstances of a particular case. Whilst there is a broad consistency to the style and age of the housing pattern which is predominantly laid out in semi-detached pairs, at ground floor level, there is diversity to the front entrances. These comprise a mix of single doors, double doors and porch additions so there is no striking uniformity to the ground floor elevational treatments. The attached semi-detached house to the appeal property is on higher ground and has a large front porch addition. As such there is no particular symmetry or balance that would be lost as a result of the development. Moreover, because the appeal property has been extended to the side, the double doors on the appeal property appear proportionate.
12. Accordingly, I conclude that the additional front door is not harmful to the character and appearance of the host dwelling or the street scene. Therefore, the development would comply with LP Policy DMP1 and Policy CP17 of the Core Strategy, which require, amongst other things, for development to respect the local context.

Conditions and Recommendation

13. As the development has begun, it is not necessary to impose a commencement condition. However, it is necessary to ensure that the development is carried out in accordance with the approved drawings. Notwithstanding this, I have had regard to the Council's concerns relating to the effect of the proposed parking layout on the street tree, and the condition that is suggested to overcome this. I consider that such a condition would be necessary to safeguard the tree and ensure its continued contribution to the visual amenity of the area. I have however amended the wording of the suggested condition to reflect that the development has commenced, without changing its overall aim. It is also necessary to require details of the refuse and cycle storage arrangements to ensure that the living conditions of the occupants are safeguarded and to encourage sustainable forms of transport. This can be incorporated into the previous condition.
14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

P J Davies

INSPECTOR