



Appeal Decision

Site visit made on 9 September 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2019

Appeal Ref: APP/T5150/W/19/3232289

72 Craven Park Road, London NW10 4AE

- 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 Shiv Sharma against the decision of the Council of the London Borough of Brent.
 - The application Ref 18/4423, dated 12 February 2019, was refused by notice dated 9 April 2019.
 - The development proposed is the conversion of a single storey building to the rear of ground floor retail unit into self-contained dwelling.
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Decision

1. The appeal is dismissed.

Procedural Issues

2. The Council altered the description of development from 'conversion of 2 No studio flats to the rear of commercial unit into 1 No one bedroom flat' to 'conversion of a single storey building to the rear of ground floor retail unit into self-contained dwelling'. This is also the description used by the appellant on the appeal form. I consider from the evidence before me and observations on my site visit that this to be a more accurate and concise description of the appeal proposals. The Council dealt with the proposal on this basis and so shall I.
3. I have also had regard, and in accordance with Paragraph 30 of the National Planning Policy Framework, 2019 (the Framework) in this appeal decision to the Harlesden Neighbourhood Plan, adopted 30 March 2019, which the Council provided as part of their appeal submission.

Main Issues

4. The main issues in this appeal are (i) whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, light, amenity space; and (ii) if the proposed development would provide adequate provision for cycle storage and bin storage.

Reasons

Living conditions

5. The appeal site is a single storey flat roof building which adjoins to the rear of commercial premises known as 72 Craven Park Road. Access to the building is from the rear of the site by a gated communal area from Challenge Close,

which also serves Challenge House Flats. I understand that the building may have been used in the past for residential purposes, but that is not an established lawful use.

6. The proposed development would create one self-contained flat. Although it would just meet the recommended space standards for the creation of a 1 bedroom, 2-person dwelling, it would have limited window openings and rooflights serving habitable rooms which would restrict natural daylight into the building. Particularly the kitchen/ lounge/ dining area would be served by only two small windows, one which faces directly opposite a blank wall of no.74 and positioned underneath a covered area at the rear of the commercial premises. This would result in a bleak and oppressive outlook for any occupier, whilst the constraints of the window position on the building would restrict daylight into this room, it would not be airy or have a satisfactory outlook.
7. The appellant suggests that they are willing to increase the size of existing windows using a condition and emphasises that the property would offer an efficient and spacious layout. Notwithstanding that there is no alternative scheme before me, I am not satisfied that it would resolve the matter of unsatisfactory living conditions.
8. In terms of outside amenity area, the application plans indicate a communal space consisting of a hardstanding area. I noted on my site visit it is of a poor appearance and unmaintained. This area is also shown outside of the appeal site edged in red and although the appellant may own the communal land, the evidence I have before me and within the appellants statement confirms the proposed development would not have any private external amenity space. The appellant also refers to the community space of Harlesden Town garden, this is not within the application site, is located on the opposite side of the road to Challenge Close. It may promote health and well-being to the community, but it has no association with the proposed development before me. The proposed development would therefore not meet the Council's criteria for residential amenity space.
9. For the reasons given above the proposed development would not provide acceptable living conditions for future occupiers and would also lack any private amenity space to the detriment of future occupiers of the residential unit. The proposed development would be contrary to Policy DMP1 and DMP19 of the London Borough of Brent Local Plan Development Management Policies (LBBLPDMP), 2016. These policies aim to ensure development is acceptable and that its use, concentration, siting, layout, scale, type, detailing and design provides high levels of internal and external amenity; and that private residential amenity space is of a sufficient size and type to satisfy its proposed resident's needs. It would also be at odds with the guidance 5.1 and 5.2, contained in the Brent Design Guide (BDG), SPD1, 2018.

Cycle and Bin Storage

10. The proposed floor plans show internal cycle storage within the hallway and the appellants statement refers to it being wall mounted. I would agree with the Council in this respect that it is not a suitable means of storage. This would lead to an awkward and cluttered space within the hallway and as the residential unit only just meets the minimum recommended space standards the suggested inadequate cycle storage provision would make this matter worse. I acknowledge that the development is car free, within a sustainable

location for access to public transport and local services, however this does not justify the inadequate provision.

11. With regards to bin storage, the proposed block plan shows space for one bin, whereas the Council requires bin storage for 2 bins and 1 recycling caddy which should be within 20m of the highway. Furthermore, the proposed location for the 1 bin would be close to the ground floor openings, that would serve the bedroom and prevents satisfactory living conditions from being secured owing to the potential for unpleasant odours, in addition to noise associated with its use.
12. The appellant suggests that occupants of the property would place bins adjacent to the highway on collection days in the compound of Challenge Close, however this does not address the Council's concern that there is inadequate storage within the site and it is likely that bins would be left outside of the site and even on the highway itself causing unnecessary clutter and congestion. The appellant has not demonstrated in the evidence I have before me, that suitable bin storage could be achieved within the site itself given its overall restricted size.
13. For the reasons given above I conclude that the proposed development would not provide an adequate provision of cycle and bin storage, to the detriment of future occupiers, promoting sustainable transport modes and would cause congestion on the local highway network. It would therefore be contrary to Policy DMP1 of the LBBLPDMP, 2016 and Policy 6.9 of The London Plan, 2016, which aim to ensure that development should be satisfactory in terms of access for all, servicing and does not have an adverse impact on the movement network; and not unacceptably increasing exposure to noise, smells, waste and general disturbances and provide secure, integrated, convenient and accessible cycle parking facilities. It would also be at odds with the guidance 5.3, contained in the BDG SPD1, 2018.

Other Matters

14. I have considered the Council's concerns about the lawful use of the building, alterations and note comments about past breaches of planning control. However, I must deal with the proposal on its merits on the basis of what is proposed which is a conversion of the single storey building to one residential unit. If such development or use has occurred without the necessary planning permission the Council would be able to consider taking enforcement action.
15. The appellant refers to the Framework and that it is supportive of positive planning and sustainable development. Whilst this may be the case, it is not without caveats, including that developments provide a high standard of amenity for existing and future users. Although there would be some social and economic benefits to providing a residential unit, this does not outweigh the significant harm I have found and that the proposal conflicts with the development plan read as a whole.
16. My attention has been drawn to the layout of the development respecting the character of the area and the 3-storey residential block on Challenge Close and land directly adjoining the site which was approved with a communal garden. Be that as it may, I do not have the circumstances of that development and I do not consider it to be comparable in size, type, layout or development plan policy. In any case I have determined the appeal on its own merits.

Conclusion

17. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR