



Appeal Decision

Site visit made on 4 November 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2019

Appeal Ref: APP/T5150/D/19/3235596

39 Randall Avenue, London NW2 7SS

- 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 Peter Fakhouri against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1413, dated 13 April 2019, was refused by notice dated 4 July 2019.
 - The development proposed is described as 'single storey side extension and rear extension following demolition of existing building'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form lists the applicant and the agent as the same person – Mr Masoud Parvardin, which is different to the appeal form. However, following correspondence with the main parties I am satisfied that the applicant in this case was Mr Peter Fakhouri, with Mr Parvardin the agent.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers.

Reasons

4. The appeal site currently contains a 2-storey, semi-detached dwelling with front and rear garden areas and with a shared driveway serving the adjacent rear garages of Nos 39 and 41 Randall Avenue.
5. The proposed development would entail the demolition of the rear garage of No 39, followed by the construction of a single-storey building, the front part of which would have a pitched roof, similar to the existing garage, with a larger flat roof to the rear. The building would be joined externally to the side of the main dwelling in a similar manner to the existing garage, preventing access to the rear garden from the driveway.
6. The proposed development is described as a live / work space that would be ancillary to the main dwelling and would be accessed by a doorway from the rear garden area that could only be reached via the existing dwelling.

7. The appellant states that the proposed development is needed for a 'growing family' and would not be self-contained. The ancillary nature of the proposal is generally supported by the submitted drawings, including with regard to the access arrangements.
8. However, there would be no internal access between the proposed development and the main dwelling. Therefore, the proposed development would have the characteristics of an outbuilding, separate from the main dwelling, rather than an integral extension.
9. Policy DMP18 (residential outbuildings) of the Brent Local Plan Development Management Policies 2016 (BLPDMP) states that 'Planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling'. This is to address a common problem in Brent where buildings in gardens are used for *primary* living accommodation ancillary to the main dwelling.
10. From the evidence, the proposal would be such ancillary accommodation and would be unlikely to provide satisfactory living conditions for future occupiers, due to its lack of integration with the main dwelling and the ensuing layout of the property.
11. Planning appeals are required to be determined in accordance with the development plan unless material considerations indicate otherwise¹. There is no substantive evidence before me that the existing dwelling is 'fairly cramped' and neither this or any other consideration raised causes me to disregard the extant Development Plan, as set out above.
12. For these reasons the proposal would adversely affect the living conditions of future occupiers and would therefore conflict with Policies DMP1 (general development management policy) and DMP18 of the BLPDMP.

Other Matters

13. The Council is also concerned that the proposed development would become a separate and self-contained unit of accommodation were the appeal to be allowed, without requiring further planning permission to be granted.
14. This matter could be controlled by way of a condition requiring the development to be used only for purposes ancillary to the residential use of the existing dwelling, were the proposal considered to be acceptable. However, in this case, and for the reasons given above, the proposal would cause unacceptable harm and would conflict with the development plan. Such a condition would not, therefore, be necessary.

Conclusion

15. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004