



Appeal Decision

Site visit made on 2 December 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/T5150/W/19/3237846

7 Broadfield Close, London NW2 6NR

- 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 Vinehill Estates Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1935, dated 20 May 2019, was refused by notice dated 24 July 2019.
 - The proposed development is change of use of the premises to an HMO comprising of 4 single rooms for 4 individuals and a shared kitchen and lounge.
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. The appellant has provided revised drawings with their final comments. While neighbouring occupants have not had the chance to provide comments on these revised drawings, I consider that they would not be prejudiced by my acceptance of them as the scheme would remain broadly unchanged. I therefore accept the revised drawings and have considered the scheme on this basis.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupants with regard to the provision of internal communal living space.

Reasons for the Recommendation

5. The appeal site is a two-storey terraced property on the western side of Broadfield Close which is currently in use as a 3-bedroom HMO for up to 4 individuals. A communal living area is currently provided at ground floor level, labelled as dining/lounge/kitchen in the submitted plans. The proposal would introduce another bedroom at ground floor level, reducing the size of the existing communal area to create a narrow dining/kitchen area.
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6. The proposed communal space, comprising the kitchen and dining area, would have a limited size and narrow layout such that there would be insufficient space for occupants to comfortably move throughout the room and use items and furniture typical of a conventional living area such as a couch, television, armchairs, and dining table. As occupants would not be able to readily relax or socialise within this cramped and narrow living arrangement, the proposal would provide a poor standard of accommodation and would therefore be unacceptable in this regard.
7. The appellant states that occupants of an HMO require less communal living space than a single family as, in their experience, occupants spend most of their time in their bedrooms. However, in contrast, they also advise that cooking within the bedrooms is prohibited and that the communal area would encourage interaction between residents. I consider that the provision of communal space is important in accommodation such as this, and that to be provided in this case would be unsatisfactory.
8. The appellant cites the Council's Conditions of the Mandatory/Additional HMO Property Licence document, which states that communal living/dining rooms should have a minimum floor area of 11sqm for HMOs with between one and five occupants. Although I have considered this document as part of my determination, these conditions relate to the granting of a license, not a planning permission. I am required to consider the proposal against the development plan as per Section 38(6) of the Planning and Compulsory Purchase Act 2004. So while the proposal would comply with the floorspace criteria set out in this license document, as it does not form part of the Council's development plan I afford limited weight to this consideration.
9. For the above reasons, I conclude that the proposed development would not provide acceptable living conditions for future occupants with regard to the provision of internal communal living space. The proposed development would therefore conflict with Policy 3.5 of the London Plan (2016), Policies DMP1 and DMP20 of the Brent Local Plan Development Management Policies document (2016) (the 'Local Plan'), and the Brent Design Guide SPD1 (2018), which all broadly require that development should be of the highest standard internally. However, I do not consider that the proposal would conflict with Policy DMP 16 of the Local Plan, which relates to development which results in the net loss of residential units. I also do not consider that the proposal would conflict with Policy DMP18 of the Local Plan, as this specifically relates to Table 3.3 of the London Plan which sets out the minimum standards for self-contained dwellinghouses rather than HMOs and as such has no relevance in this case.

Other Matters

10. The appellant states that there is a greater demand for single occupancy rooms over double occupancy rooms, but provides no evidence to support this. The appellant also states that there is a specific need for HMO accommodation, and that there is a great need for housing for people that cannot afford market housing as set out within the Brent Strategic Housing Market Assessment. However, as the site already provides an HMO, albeit with one less room than that proposed, the benefit of the proposal in this respect is minimal.
11. The appellant asserts that there is a lack of accommodation for homeless people within the Borough, that most of the residing tenants are incapable of living in conventional accommodation and would otherwise be homeless, and

that the proposal would provide additional accommodation for such vulnerable people. Regardless, these considerations do not justify a proposal that would result in poor living conditions for future occupants for the reasons set out above.

12. The Council and appellant have both referred to previous appeals at properties at 18a Oldfield and 47 Woodheyes. The full details of these appeals are not before me to consider as part of this determination. However, from the plans provided, the communal areas in both cases do not appear to be as narrow as that in this appeal so may be more useable. In any case, each appeal must be considered on its merits.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR