



Appeal Decision

Site visit made on 14 January 2020

by Mr D.R McCreery MA BA (Hons) MRTPI

An Inspector appointed by the Secretary of State

Decision date: 12 February 2020

Appeal Ref: APP/T5150/W/19/3239491

8A Hayland Close, London, NW9 0LH

- 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 Blubuild.com Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1550, dated 26 April 2019, was refused by notice dated 1 July 2019.
 - The development proposed is the subdivision of the first floor self-contained flat to provide two self-contained flats over the first and second floors involving loft conversion with 2 rear dormer windows, associated refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's sole reason for refusal related to the loss of a family sized home. However, concerns were also raised about the dormer windows and the provision of parking. I have therefore addressed these matters in coming to my decision. In any event as the appeal site is within the Buck Lane Conservation Area I have a statutory duty to consider the effect of the proposal on that heritage asset.
3. The appellant submitted amended drawings prior to the Council's determination of the application. However, in the absence of evidence of appropriate consultation and consideration of the amendments took place I am unable to take them into consideration. I have determined the appeal on the basis of the plans listed on the Council's decision notice.

Main Issues

4. The main issues are:
 - the effect of the proposed development in terms of the provision of family sized housing in the local area;
 - the effect of the proposed development on the character and appearance of the existing building and the surrounding area; and
 - whether the proposed development would preserve or enhance the character or appearance of the Buck Lane Conservation Area.

Reasons

Provision of family sized housing

5. The appeal property is a substantial 2 storey house of suburban appearance located at the end of a cul-de-sac of other residential properties. The property is currently arranged into flats. The 2 flats proposed would be located at first and second floor levels and be facilitated by a dormer window extension to create living accommodation in the roof space. Both flats would be accessed via an existing external staircase to the side of the property. The flats would not have use of any garden or other outside amenity space.
6. The Brent Local Plan contains specific policy on the conversion of family sized dwellings, namely DMP17 of Development Management Policies (2016). The policy aims to strike a balance between making efficient use of the Borough's housing stock and ensuring continued provision of family sized housing (including flats) with 3 bedrooms or more.
7. It is indicated that the existing flat has a floor area of less than 130 square metres. The proposal not provide a 3 bedroomed dwelling. The scheme does not, therefore, meet the circumstances set out in DMP17 where conversion of a family size dwelling will be permitted
8. Policy DMP17 sets out where exceptions may be allowed, namely where the existing dwelling is likely to be deficient in terms of its amenity for family occupation and it could not reasonably be changed to overcome such deficiencies. Reference is made to a number of potential points for consideration of whether the exception applies, mostly linked to the location of the appeal property and the standard of the existing accommodation.
9. The appeal property is located within an existing residential area and has access to many of the local amenities that might be expected in such areas. Public transport accessibility in the local area is consistent with many parts of suburban London. Whilst local train services are not in close walking distance, the appeal property has access to local bus services. Whilst no off street car parking is indicated for the property, there does not appear to be any permit restrictions on parking on street. On street car parking is limited to a degree by the presence of driveways, but this does not appear to create excessive pressure on the availability of on street parking.
10. In terms of the layout of the immediate street, the appeal property is located within a quiet residential cul-de-sac. The pavement and other aspects of the layout are consistent with what can be found in most such residential locations. It is acknowledged that there is an incline as Hayland Close rises to meet the appeal property. This incline is not remarkable when compared to the access for other properties and the general topography of the area. In light of these and other factors I conclude that there is nothing about the location of the appeal property that justifies an exception being made to DMP17.

11. In relation to the standard of the existing accommodation, it is acknowledged that the existing external access staircase to the flat appears steep. The access arrangements may be inconvenient and it may be the case that this could deter some potential occupiers of the appeal property. Notwithstanding this, it is noted that the proposed development includes no changes to these access arrangements. Therefore, the external staircase would remain and may serve as a limitation on who may choose to occupy the appeal property regardless of whether it is subdivided.
12. The layout of the existing flat includes a separate lounge and kitchen, 5 bedrooms, and a separate bathroom. All the rooms are accessed off a central hallway. This arrangement is logical for a property of this type. It is acknowledged that some of the bedrooms appear undersized. However, these rooms still have the potential to provide office space or small single bedrooms. There is no substantive evidence that the internal layout could not be made more suitable for use by a family and provide at least 3 bedrooms. As the existing flat has 5 bedrooms, such a reduction could be achieved and still maintain the provision of family sized dwellings (seen as 3 bedrooms or more) that is encouraged by DMP17.
13. The existing flat does not have access to a garden or other outside amenity space (including outside storage). There do not appear to be changes that could easily be made to provide access to such space. Whilst outdoor amenity space is highly desirable, it is not uncommon for family sized accommodation to not include it, particularly in older buildings that have been subdivided. The supporting text that accompanies DMP17 says that lack of outside amenity space will not automatically provide justification for an exception to the policy. Given the emphasis that DMP17 places on preserving family sized dwellings, I conclude that the desirability of retaining the existing flat outweighs the lack of outdoor amenity space.
14. It is noted that evidence makes a number of references to the existing flat not being suitable for families with younger children. DMP17 talks about family sized dwellings and makes no assumptions about the types of families that may occupy the dwellings. Accepting that household make up varies, and that I have no firm evidence before me about the needs of any specific type of household, in deciding this appeal I have not made any assumptions about the type of household that may occupy the property.
15. Evidence makes reference to demand for affordable housing in the Borough and the need to make efficient use of sites. It is noted that the proposed development would not provide affordable housing within the terms of the definition set out in the National Planning Policy Framework (the Framework). As such, policies relating to affordable housing are not of direct relevance.
16. It is acknowledged that the Framework seeks to support the development of underutilised buildings, in particular to help meet identified needs for housing. However, the Framework also supports the plan led system as this is the best way to ensure that housing needs are identified and met as part of a coherent approach. Policy DMP17 seeks to preserve family sized dwellings as this is identified as an area of housing need. The proposed development would run contrary to DMP17 and I find no evidence that justifies making an exception, including a perception that the proposed development could meet other types of housing need.

17. In light of the above and taking account of other matters raised, I conclude that no justification has been offered that meets the exception set out in DMP17 and that the proposed development would have a harmful effect in terms of the provision of family sized housing in the local area. Consequently, I find conflict with the Brent Local Plan, in particular policy DMP17 of Development Management Policies (2016) which seeks to preserve family size dwellings.

Character and appearance

18. The character of the area is residential in nature. The general building style in the area is mixed but suburban in appearance, with mostly detached and semi-detached properties that exhibit traditional features. The larger houses on Hayland Close, which includes the appeal property, are generally arranged around the cul-de-sac at the top of the street. The appeal property can be distinguished from many others in the area by its distinctive mock Tudor design at first floor level on the front elevation. This feature, along with its size, gives the front of the appeal property a prominent appearance in the street scene. The rear elevation of the property is plainer and more functional in appearance and does not include many of the features evident on the front. The rear is also set within the deep gardens of the appeal property and its neighbours. As a result, the rear of the appeal property is not as prominent or distinctive as the front.
19. The existing roof line remains free from extension or other interruption. The traditional slope of the roof contributes to the character and appearance of the building and area and reinforces its suburban character. The proposed dormer windows are of a large scale and would significantly disrupt the existing roof line. Whilst not widely visible, where seen the dormer windows would appear as bulky additions to the property. The larger of the 2 proposed dormer windows would be particularly bulky due to its greater scale and the rear wall of the addition appearing out of proportion to its window. Overall, the proposed dormer windows make very limited attempt to integrate with the existing building.
20. In light of the above, I conclude that the scale and detailed design of the proposed dormer windows would have a harmful effect on the character and appearance of the existing building and the surrounding area. Consequently, I find conflict with policies in the Brent Local Plan, in particular policy DMP1 of Development Management Policies (2016) which requires new development to be acceptable in terms of its scale, detailing and design.

Conservation area

21. The appeal property lies within the Buck Lane Conservation Area. As such, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance. For the reasons set out above, I conclude that the proposed dormer windows would be of a scale and detailed design that is harmful to the character and appearance of the existing building and the surrounding area. For the same reasons, I also conclude that the proposed development would neither preserve nor enhance the character and appearance of the conservation area. Consequently, I find conflict with policies in the Brent Local Plan, in particular policies DMP1 and DMP7 of Development Management Policies (2016) concerning the conservation and enhancement of heritage assets and their settings and ensuring development involving heritage assets achieves a good standard of design.

Conclusion

22. For the above reasons, and taking account of other matters raised in the appeal, the appeal is dismissed.

D.R. McCreery

INSPECTOR