
Appeal Decision

Site visit made on 5 February 2020

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/T5150/W/19/3236325
91-93 High Road, London NW10 2SU

- 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 R Singh Chana against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1514, dated 24 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is the change of use of part of ancillary Class A1 use to one self-contained 1-bed flat (Class C3) with minor alterations to fenestration.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of part of ancillary Class A1 use to one self-contained 1-bed flat (Class C3) with minor alterations to fenestration at 91-93 High Road, London NW10 2SU in accordance with the terms of the application, Ref 19/1514, dated 24 April 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan HR_100B
 - 3) Prior to the first occupation of the flat hereby permitted, both of the amenity areas (together with their fencing and gate) and each set of patio doors shall be formed or laid out in accordance with the approved plan and thereafter retained.

Main Issue

2. The main issue in this case is whether the development would provide reasonable living conditions for future occupiers.

Reasons

3. The appeal property stands on High Road at a junction. The front portion is used as a pharmacy, but this appeal concerns a rear wing that forms the return elevation to the side street, which is called Brondesbury Park.
4. The proposed ground floor flat would have 3 rooms, namely a bathroom, a bedroom and an open-plan kitchen/dining/living space. It would also have 2 small outside amenity areas. One would be at the end of the open-plan space,

- while the other would be on the opposite side to Brondesbury Park, enclosed by this wing and another projecting from the shop at the front.
5. I have no reason to consider the size of the unit, the extent of the outdoor areas or the light levels would be inadequate. Rather, the concerns rest with the outlook for the occupiers and the effects on their privacy.
 6. The long, thin open-plan space is to be formed by the removal of 2 internal walls. Two sets of patio doors are to be created, one at each end, to allow access to the intended outside amenity areas. Given the existing windows to Brondesbury Park, it would therefore have openings on 3 of its elevations.
 7. The patio doors at the farthest end would be a focus for the room and would allow views into the intended amenity area. The amenity area would not be deep and so the views would be constrained. However, as these doors would be facing in a south-easterly direction and as the nearest property would be a little distance away, I nonetheless consider they would provide a light, private and reasonable outlook that would be apparent from the entirety of the open-plan space.
 8. The existing windows to Brondesbury Park would be retained. These look to the south-west straight onto the pavement, and so, with clear glazing, they would allow an open outlook. However, the Council was concerned that, with such glazing, issues of privacy could arise as pedestrians could look into the room. At this point though the pavement is relatively wide, and so it is probable that those passing would not be immediately outside the windows. As a result, while this would mean the area from which passers-by could look into the flat would be increased when compared to a narrow pavement, they would nonetheless be further away and so any overlooking that occurred would be less intrusive. To my mind, the effect of this would be to dilute sufficiently any loss of privacy that was experienced within the flat. On balance, and taking account of the pavement width outside this existing property, I therefore consider that, even with clear glazing, these windows would not give rise to an unacceptable loss of privacy. Consequently, a condition requiring them to be obscured is not justified.
 9. On the third side of the open-plan space, the windows look into the enclosed yard and a fire escape. While the yard's narrowness limits their outlook, what would be provided by windows on the other elevations would mean this was not a problem.
 10. Turning to the bedroom, its window would look along the enclosed yard. The width of the yard means this room would have a constrained view, though this would be mitigated to some degree by the fence being set back and the window having a south-eastern aspect. I therefore consider that the outlook from this room would not justify dismissing the appeal.
 11. No window is proposed to the bathroom, but that is not unreasonable. The hall would also have a clear-glazed window onto the Brondesbury Park pavement but, taking account of the points raised above and noting too the floor levels and the fact that this is not primary living space, that would be acceptable.
 12. In reaching this view I consider that a condition is required to ensure the patio doors and outside amenity areas were formed before first occupation, as their presence would ensure adequate living conditions for residents.

13. Accordingly, I conclude that the proposed flat would provide suitable living conditions for future occupants, and so would not be in conflict with Policies DMP1 and DMP18 in the Council's *Development Management Policies* or guidance in Supplementary Planning Document 1 *Brent Design Guide*, which broadly seek to ensure high levels of internal amenity, adequate privacy and housing of a suitable standard.

Other matters

14. The site is within the Willesden Green Conservation Area, the significance of which appears to arise, in part, from the way it includes shops, dwellings and other buildings that reflect this phase of London's expansion. These in turn inform its character and appearance. To my mind neither this change of use nor its associated alterations would harm this significance or would fail to preserve the conservation area's character or appearance.

Conclusions

15. Accordingly, I conclude the appeal should be allowed.

JP Sargent

INSPECTOR