



Appeal Decision

Site visit made on 21 January 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/T5150/W/19/3238362

34 Litchfield Gardens, London, NW10 2LL

- 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 K Mavji against the decision of the Council of London Borough of Brent.
 - The application Ref 19/2312, dated 28 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is conversion to 2 flats: Ground Floor: 3 bedroom, 5 persons flat First and Loft Floors: 2 bedroom, 4 persons flat.
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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.

Main Issues

3. The main issues are:

The effect of the proposed development on stock of family housing within the area, with particular regard to whether the conversion of the property would provide suitable family accommodation to off-set the loss of the 3 bedroomed family house, taking account of the proposed level of outdoor amenity space.

Reasons for the Recommendation

Family Housing Stock

4. The proposal would involve the conversion of an existing family dwelling into two flats. One unit would occupy the ground floor with 3 bedrooms and the second would occupy the first floor and the existing loft space which would have 2 bedrooms. In line with a clearly identified and substantial need for family housing within the Borough, policy CP21 of the London Borough of Brent Local Development Framework Core Strategy (2010) (the CS) seeks to maintain and provide a balanced housing stock. Amongst other things, the policy seeks to ensure an appropriate range of house types in development schemes, including family sized accommodation in house subdivision/

- conversion schemes. The appellant does not dispute the rationale behind the policy or the need for family housing in the area.
5. A previous application for conversion was refused by the Council on the basis that it did not provide for family sized accommodation. In response to that refusal, the current proposal includes a 3-bedroom unit at ground floor level and the Council is satisfied that the internal floorspace within the unit would meet relevant space standards to be considered suitable for family accommodation and it is noted that the unit would have access to an outdoor amenity space. However, the Council maintains that the amenity space would be deficient in size such that the overall standard of accommodation would not be attractive or suitable for family occupation.
 6. The existing outdoor amenity space would be split between the two flats. The submitted plans¹ show a rear garden with an area of 23 square metres, along with a space between the building and the boundary at Clare Road which is measured at 27 square metres. Together, these would total 50 square metres which is the required external amenity space for a 3-bedroom dwelling accordance with DMP19 of the DMP. However, by virtue of its narrow width the space between the building and the Clare Road boundary would not be practical for use as amenity space. The amenity space at the rear is hard surfaced and usable amenity space would also be restricted by the presence of cycle and bin storage.
 7. Thus, the proposal would fail to provide adequate outdoor amenity space for the future residents of the ground floor flat and this would have a negative effect on the living conditions of future residents. Whilst the existing three-bedroom dwelling has a similarly small private amenity space to the rear, it also benefits from the unrestricted use of the remainder of the external space which would give a degree of flexibility not afforded to the residents of the three-bedroom flat. For example, existing residents would have the full run of the external space for car parking, bin storage, general gardening and planting, hanging washing or other similar activities that do not require privacy. In comparison, the residents of the flat would have a very limited private area and a sliver of land to the side of the house which is so thin as to be largely impractical. Consequently, the arrangements are notably different to those currently existing.
 8. The drawings show that the soft landscape amenity space at the front of the property would provide amenity space for the proposed first floor flat. This area would be exposed to the street, be located next to a front parking area, and have a poor relationship to the ground floor flat in terms of mutual lack of privacy. This area would not be suitable for or useable as amenity space for occupants of the proposed first floor flat.
 9. The appellant contends that this area can be screen or fenced off to create a private amenity space for the first floor flat. However, even though there is a presence of a few mature hedges, the surrounding area is characterised by buildings with front porches and low-lying brick fences. A high wall would be needed to provide privacy, and this would create an inactive frontage and would be uncharacteristic of the street scene. The proposal would also fail to

¹ Drawing Nos: 1842/02 Rev B and Rev C

provide adequate outdoor amenity space for the future residents of the first floor flat and this would have a negative effect on the living conditions of future residents.

10. I find that the proposal would fail to meet prescribed minimum space standards for provision of outdoor amenity space for both flats. Consequently, it would be contrary to the aims of the Policy DMP19 of the DMP which seeks to ensure that all new dwellings will have external private amenity space of a sufficient size and type to satisfy proposed residents' needs.
11. It follows that the proposal would fail to provide a suitable and attractive environment for family accommodation and, in that sense, would involve the loss of an existing family dwelling without an appropriate replacement. Accordingly, the proposal would be contrary to policies CP2 and CP21 of the London Borough of Brent Local Development Framework Core Strategy (2010) (the 'CS') and policy DMP17 of the London Borough of Brent Local Plan Development Management Policies (2016) (the 'DMP') which seek, amongst other things, to preserve the stock of family housing in the Borough.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR