



Appeal Decision

Site visit made on 24 February 2020

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2020

Appeal Ref: APP/T5150/W/19/3238218

203 High Street, London NW10 4TE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr & Mrs Nawrozzadeh against the Council of the London Borough of Brent.
 - The application Ref 19/1411, is dated 12 April 2019.
 - The development proposed is erection of a front mansard extension to existing upper floor flats.
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Decision

1. The appeal is dismissed and planning permission for erection of a front mansard extension to existing upper floor flats is refused.

Procedural Matter

2. The Council's appeal statement assigns numbers to each of the proposed flats and, for ease of reference, I have taken the same approach. Flat 1 is the orange coloured unit as denoted on the plans, Flat 2 the pink coloured unit, Flat 3 the yellow coloured unit and Flat 4 is the blue coloured unit.

Background

3. The appeal concerns a three-storey building situated in Harlesden town centre. There is a commercial unit on the ground floor of the building with associated storage space occupying parts of the first floor. The remainder of the first and second floors are divided into self-contained flats, comprising 3 one-bedroom units (Flats 1-3) and 1 four-bedroom unit (Flat 4). It is proposed to enlarge each of the flats by removing the first-floor storage space and constructing a mansard roof extension, which would also incorporate second floor balconies. Following these alterations, the reconfigured building would contain 3 two-bedroom units and 1 four-bedroom unit.

Main Issues

4. The main issues in this case are:
 - the effect of the proposal on the living conditions of future occupiers of the proposed flats, having particular regard to floorspace, daylight, outlook and the provision of outdoor amenity space.
 - the effect of the proposal on the vitality and viability of the town centre.

Reasons

Living conditions

5. Policy 3.5 and Table 3.3 of the London Plan¹ set out minimum space standards for new dwellings. Although Flats 2, 3 and 4 would comply with the plan, the Council indicate that the gross internal area of Flat 1 would be 73.8 m² and this figure has not been disputed. Table 3.3 indicates that a 2-bedroom, 4-person flat with 2 storeys should have a minimum gross internal area of 79 m². Consequently, Flat 1 would fail to comply with the provisions of the London Plan or the Brent Design Guide² (which reflects the London Plan).
6. In addition, the notes associated with Table 3.3 strongly encourage a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area. This is to promote housing of adequate quality, especially in terms of light, ventilation and a sense of space. According to the Council's measurements, none of the proposed new flats would achieve this.
7. Policy DMP19 of the Local Plan³ says that all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20m² per flat and 50m² for family housing. Paragraph 10.37 of the supporting text makes it clear that this is a locally distinctive target for Brent which exceeds the minimum standards set out in the Housing SPG⁴.
8. Although each of the new flats would have balconies, they would fall well short of the amenity space standards advocated in Policy DMP19. In addition, the usability of the balconies would be rather limited as they would only be accessible through bedrooms and would not be integrated into the main living space of the flats. They would also be relatively narrow, with the Council's measurements indicating that they would not achieve the minimum 1.5m depth specified in Standard 27 of the Housing SPG⁵. This would further limit the usefulness of the balconies as amenity space.
9. At first floor level, Flats 1, 2 and 3 would contain combined kitchen and living rooms. While each room would be served by a reasonably sized window, given the single aspect outlook and length of the rooms, daylight and ventilation would be somewhat limited (especially in the kitchen areas which would be positioned furthest away from the windows).
10. The second floors of Flats 1, 2 and 3 each contain two bedrooms. Those at the front of the building (bedroom 1 on the plans) would have glazed doors leading to balcony space and would therefore receive adequate light and outlook, even though the balustrade would restrict some of this. However, the bedrooms towards the rear of the building (bedroom 2 on the plans) would have much less window space, which the evidence suggests would have a very limited outlook due to the proximity of a screen at the rear of the building, plus the extent of the roof overhang. Considering the north-east orientation of the rear windows, these bedrooms would be relatively gloomy.

¹ The London Plan, Mayor of London, March 2016.

² Design Guide SPD 1, London Borough of Brent, November 2018.

³ London Borough of Brent Local Plan, Development Management Policies, November 2016.

⁴ Housing Supplementary Planning Guidance, Mayor of London, March 2016.

⁵ Housing Supplementary Planning Guidance, Mayor of London, March 2016.

11. Very similar considerations would apply to Flat 4. Although the living and dining areas would be served by two front facing windows, the kitchen would be relatively distanced from them. As such, it would not receive a great deal of natural daylight or ventilation. While bedrooms 1 and 3 would have large glazed doors, bedrooms 2 and 4 would be served by smaller rear facing windows, with very restricted outlook and daylight.
12. Overall, I have found that the proposed alterations would result in a standard of accommodation that would fail to comply with development plan policies relating to floorspace, private outdoor space and floor to ceiling heights. Additionally, I have found that a number of rooms would receive poor levels of daylight and would not benefit from particularly good outlook or ventilation. The combination of all these factors leads me to determine that the proposed development, when taken as a whole, would result in a poor standard of accommodation for future occupiers.
13. Nonetheless, the first and second floors of the building are already divided into flats and the 'fallback' position in the event of planning permission being refused is that the existing situation remains unchanged. With this in mind, it is recognised that the proposed development would be likely to improve living conditions for the occupiers of Flat 4, which would remain as a 4-bedroom unit. The alterations would lead to a larger kitchen and living room, headroom would be improved in parts of the second floor as a result of the mansard extension and two of the upstairs bedrooms would benefit from balcony space.
14. The development would have similar positive effects in Flats 1, 2 and 3 insofar as floorspace would be increased, headroom would be improved and private outdoor space would be provided where currently none exists. However, by increasing the bedrooms in each flat from 1 (existing) to 2 (proposed) the potential number of occupiers would be doubled. A more intensive use of these flats would only exacerbate the problems described above in terms of limited floorspace, outlook, daylight and ventilation. This would not be outweighed by the relatively modest increase in floorspace that would result as a consequence of the existing storage space being used for accommodation.
15. I therefore conclude on this issue that the proposed development would harm the living conditions of future occupiers of the proposed flats.

Town centre viability

16. The proposed development would result in the loss of first floor storage space. I saw on my site visit that this space is under-utilised and does not currently appear to be used in connection with the commercial premises on the ground floor. Furthermore, the storage space appears to be reached by a separate flight of steps and is not directly accessible from the ground floor unit. On the strength of evidence presented in this appeal, it therefore seems to me that conversion of the storage area into flats would be unlikely to jeopardise the viability of the ground floor commercial unit below. As such, I conclude on this issue that the proposal would have an acceptable effect on the vitality and viability of Harlesden town centre.

Other matters

17. I note the photographs supplied by the appellant illustrating other mansard roof extensions in the area. I agree with the Council that certain aspects of the

proposal are acceptable, including the effect on the character and appearance of the area, the effect on neighbouring properties in terms of overlooking, and the principle of residential development in an area which is well served by public transport. However, although the proposed development would increase housing capacity in the area, the benefit would be relatively modest, and would not outweigh the harm to living conditions identified above.

18. The Council express concern that the plans contain inaccuracies, including unspecified plant equipment on the roof. However, as I am dismissing the appeal, I have not considered these matters any further.

Conclusion

19. For the above reasons, I therefore conclude that the appeal should be dismissed and planning permission refused.

C Cresswell

INSPECTOR