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## Appeal Decision

Site visit made on 10 March 2020

**by M Allen BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 March 2020**

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**Appeal Ref: APP/T5150/W/19/3235940**  
**49 Clarendon Gardens, Wembley HA9 7QW**

- 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 Mrs Ola Ayinde against the decision of the Council of the London Borough of Brent.
  - The application Ref 19/1496, dated 1 April 2019, was refused by notice dated 14 August 2019.
  - The development proposed is the conversion of existing house to HMO with rear dormer.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues raised in this case are:
  - i) whether there is a demonstrable need for the proposal,
  - ii) the availability of public transport and services,
  - iii) the acceptability of the standard of accommodation provided, and
  - iv) the effect on the character and appearance of the host property.

### Reasons

#### *Need for proposal*

3. In order to appropriately cater for a wide range of specific and special housing needs within the Borough, policy DMP20 of the London Borough of Brent Local Plan – Development Management Policies (adopted November 2016) (the DMP) supports proposals for shared housing, which includes houses in multiple occupation (HMOs), where there is a demonstrable specific need within the Borough.
4. The appellant contends that there is a demand for the type of property proposed within the area. However, this is not supported by any objective analysis of the housing requirements within the Borough. It has been asserted that it has been difficult to rent out the property as a whole and that this has led to the appellant pursuing the conversion to an HMO. However, no evidence

has been provided to demonstrate any efforts that have been made in marketing the property for occupation as a single dwelling.

5. As a consequence, I find that it has not been demonstrated that there is a need for the provision of an HMO. Thus, the proposal would be contrary to policy DMP20 of the DMP, which requires that proposals for accommodation with shared facilities demonstrate that there is a specific need in the Borough for the type of accommodation proposed.
6. Furthermore, given that it has not been shown that there is an evidenced need for the proposal within the Borough, it would have the potential to unbalance the housing stock within the area. This would be contrary to the policy CP21 of the London Borough of Brent – Core Strategy (adopted July 2010), which seeks to ensure that a balanced housing stock is retained, which includes non-self-contained accommodation to meet identified needs.

#### *Transport and services*

7. Policy DMP20 requires that proposals be located in an area with good access to public transport and other amenities, including shops, which should normally be within a distance of 400 metres of the site. This is to ensure that all potential residents are able to benefit from appropriate access to transport and services. Whilst the appellant contends that public transport is 234 metres (m) away on foot and the rail network is 600m away, the Council highlights that the site has a Public Transport Accessibility Level (PTAL) of 2, which indicates that the site is in an area with a low level of access to public transport. The Council further states that there are only four bus routes available locally and that the rail network is not within walking distance i.e. 400m as required by the policy. I therefore find that the scheme would not be sited where there is appropriate availability of public transport and services, in conflict with policy DMP20.

#### *Standard of accommodation*

8. The scheme proposes seven bedrooms within the property with three communal areas provided; one to the ground floor comprising a common room and kitchen, with a separate kitchen and communal room to the first floor. The Council state that the total floorspace of these areas would be 50 square metres (sqm). Whilst the Council highlight that it does not have a specific policy in respect of the required floorspace within HMO properties, it has as a guide referred to the minimum floorspace requirements as contained within the London Plan, based on the Nationally Described Space Standards, which it is contended the proposal would fall below.
9. All of the bedrooms appear to be a double size, which could potentially result in the property accommodating 14 residents. Given the size of the combined communal spaces, this would result in the region of 3.5 sqm of communal space per potential resident. This would to my mind result in an internal environment that would be severely restricted and cramped. As a consequence, the standard of accommodation that is provided would be low and unacceptable. In addition, there is no information in respect of how the property will be managed to ensure that the standard of accommodation would not diminish further.
10. I note that the appellant states that they do not envisage all residents utilising the communal areas at the same time, however this does not negate the need

for an appropriate standard of accommodation to be provided. There is also reference to a willingness to make one of the bedrooms into a communal area, however such details are not before me and I have made my decision on the basis of the submitted information.

11. Therefore, I find that the proposal would not result in an acceptable standard of accommodation and there would be conflict with policy DMP20 of the DMP, insofar as it requires that accommodation be of an acceptable quality, including appropriate communal facilities and that development includes suitable management arrangements.

### *Character and appearance*

12. The proposal includes the provision of a dormer window to the rear roof plane. Whilst it would partially be located over the existing two-storey rear projection, it would be set down from the ridge of the property and set up from the eaves. It would not dominate the roof and would be a subordinate addition to the property. I also noted that in the surrounding area, dormer additions were not uncommon. As such, I consider that the dormer would be an appropriate addition to the building, which would not be incongruous. Furthermore, the dormer would not encroach significantly over the rear projection and the majority of it would be sited within the rear roof plane. Thus, it would not have an awkward appearance.
13. I acknowledge that the Council's Supplementary Planning Document "Residential Extensions & Alterations" (2018) (the SPD) advises that dormers that project onto or over a rear extension will not normally be permitted. However, despite this advice, I find above that the proposed dormer would not be harmful. Therefore, I find good reason to depart from the guidance contained within the SPD in this case.
14. Accordingly, I find that the proposed dormer would have an acceptable effect on the character and appearance of the host property and that the scheme would comply with policy DMP1 of the DMP, insofar as it requires development to be of a siting and design that complements the locality.

### **Other Matters**

15. The Council's reason for refusal refers to policy DMP17 of the DMP which deals with the conversion of family sized dwellings. The policy specifically states that it is concerned with the conversion of family sized homes, defined as comprising three or more bedrooms, to two or more other dwellings and that this will only be permitted where certain criteria are met. However, I am conscious that the appeal before me does not propose the conversion to two or more dwellings, rather it proposes the conversion to a single HMO. Thus, I find that this policy is not directly relevant to my consideration of the appeal.
16. I note that the appellant refers to the provision of adequate vehicular parking and cycle storage. However, these matters were not referred to in the reasons for refusal by the Council and so, as I have found harm above sufficient to dismiss the appeal, I have not considered them further.

### **Conclusion**

17. Whilst I find that the proposed dormer window to the rear would be acceptable and result in no harm, this does not outweigh that I find that it has not been

sufficiently demonstrated that there is a need for the development, that the proposal would have poor access to transport and services and that the standard of accommodation would not be acceptable.

18. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Martin Allen*

INSPECTOR