The Planning Inspectorate

Appeal Decision

Site visit made on 7 September 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPl MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/T5150/W/20/3252141
87 Glengall Road, London NW6 7HG

- 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 M Ramzan on behalf of Ramzan and Sons Investments Ltd against the decision of the Council of London Borough of Brent.
- The application Ref 20/0144, dated 14 January 2020, was refused by notice dated 9 April 2020.
- The development proposed is conversion of roof void to residential accommodation within an existing HMO facilitated by the formation of a rear Dormer with roof windows within the rear roof slope.

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:

   i. The effect of the proposal upon the character and appearance of the host property as well as the surrounding area; and

   ii. Whether or not acceptable living conditions would be provided to the intended future occupiers of the proposal, having particular regard to gross floor space and the provision of storage space.

Reasons for the Recommendation

Character and appearance

4. No. 87 is an end of terrace two-storey dwelling with a two-storey rear outrigger, located at Berens Road in the Kensal Green area of London. The surrounding area is residential and is characterised by terrace blocks of two-storey dwellings with enclosed, compact gardens at the rear. Rear dormers in this area, some of which can be seen from adjoining roads are of a modest size and are not full width and subservient to the main roof slope.

5. Brent's Supplementary Planning Document 2: Residential Extensions and Alterations (2018) (the 'SPD') states that outside Conservation Areas, rear dormers can be the full width of the original roof plane. The SPD dos recommend however that they should be set down from the ridge by at least 0.3metres and must be set up from the eaves line by at least 0.5metres measured along the roof plane in order to appear subservient to the original roof. The SPD provides guidance for extensions; however, it is not policy although due regard should be given to it.

6. The proposed rear dormer would be flush with the ridge of the original roof and would only be set up from the eaves by 0.2metres. By virtue of the position of no 87 at the end of the terrace block, the dormer side elevation would be seen from Glengall Road where there is a gap between the side elevation of the property and the rear of 38B Hazelmere Road. It would appear top heavy and would not be subservient to the roof of the host property. Thus, it would be harmful to the appearance of the host property and the character of the surrounding area.

7. I find that the proposed rear dormer would not be suitably subservient and would appear as a bulky and dominant addition to the rear detrimental to the character and appearance of the dwelling and wider locality. Accordingly, there would be conflict with the aims and objectives of the National Planning Policy Framework and Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (2016) (the 'DMP').

8. This policy amongst other things seeks to ensure that development is of a location, use, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and compliments the locality.

Living conditions – floor space

9. Though the property is described as a House in Multiple Occupation (HMO) and the application of which this appeal is regarding does not include a proposal of change of use to flats, each bedroom unit has access to cooking and bathroom facilities either within or just outside of it[1]. There also does not appear to be any communal living area.

10. The proposed rear dormer would create an additional bedroom which would have its own cooking facilities within it, and toilet and bathroom facilities just outside the bedroom[2].

11. Policy 3.5 of the London Plan (2016), which accords with nationally described space standards, requires that new residential development should meet specific minimum space standards regarding gross internal floor area and storage space. To meet with these requirements, guidelines are set for floor area, which requires a minimum gross internal floor area of 37 square metres for a one-bedroom unit.

12. The Council indicates that the entire floor space area of the loft which includes the hallway and staircase would measure 30 square metres. The appellant does not dispute that figure but argues that the policy does not apply to the proposal on the basis that the accommodation would not amount to a self-contained flat,

[1] Drawing Nos GLE1001 A and GLE1002 A
[2] Drawing No GLE 1006 A

as occupants of the ground and first floor would benefit from access to the shower and toilet facilities located within the proposed loft floor.

13. To all intents and purposes, this can be considered as a self-contained unit and there is no reason to believe that these facilities would be accessed by other rooms. As stated in paragraph 9 above, each room/unit elsewhere in the building has self-contained access to cooking, living and sleeping space and bathroom facilities either in a self-contained space or just outside of it. Consequently, there would be no need for any other occupant to use any of the facilities proposed on the upper floor. Whilst the bathroom is situated just outside the living space, I consider it would be occupied in the manner of a self-contained unit, particularly on account of the lack of any communal living area elsewhere in the building.

14. Space standards are nationally prescribed and are also embedded within Policy 3.5 of the London Plan (2016) which forms part of the development plan for the area. As such, I am satisfied that the standards provide a sound basis to gauge whether proposals would result in a satisfactory standard of accommodation. The aims are fully consistent with the Framework, particularly paragraph 127 which requires developments to provide a good standard of amenity for future occupants.

15. Consequently, the loft floor unit would fail to meet the requirements as set out in Table 3.3 of the London Plan (2016). Accordingly, there would be conflict with Policy 3.5 of the London Plan. In addition, I note that no internal section drawing has been provided to demonstrate proposed head height within the room. Whilst the rear dormer would increase the usable space in the rear half of the room, a significant proportion of space would be within the roof space at the front where internal height is likely to be more restricted thereby limiting the practicality of the space. Those functional issues add to my concerns over the inadequate internal floor area.

16. I find that the proposal would fail to provide an acceptable standard of internal amenity space for future occupants. Accordingly, there would be conflict with Policies DMP1 and DMP 18 of the DMP. DMP18 requires that the size of dwellings should be consistent with Policy 3.5 Table 3.3 of the London Plan Minimum Space Standards for New Dwellings.

Conclusion and Recommendation

17. 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

18. 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