
Appeal Decision

Site visit made on

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Thursday, 08 October 2020

Appeal Ref: APP/T5150/W/20/3253092

23 Eagle Road, Wembley HA0 4SH

- 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 Dilip Navapukar against the decision of the Council of the London Borough of Brent.
 - The application Ref: 20/0952, dated 19 March 2020, was refused by notice dated 14 May 2020.
 - The development proposed is the conversion of a single dwelling house to three flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Dilip Navapukar against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Procedural Matter

3. The evidence before me includes references to Policy DMP1 of the draft Brent Local Plan (2020). However, given the current status of this plan, and as this policy does not yet form part of the development plan, the amount of weight that I can attach is reduced.

Main Issue

4. The planning application sought permission for the conversion of the building for three flats. However, from the evidence before me, the Main Issue is whether appropriate living conditions would be secured for the future occupiers of the ground floor flat, with particular reference to outlook.

Reasons

5. The appeal site consists of a semi-detached dwelling, which includes an outrigger projecting into the rear garden. This outrigger has also been enlarged through the provision of a flat-roofed single storey extension. The neighbouring property at 21 Eagle Road, also features an outrigger. This dwelling also includes dormer windows sited on the rear roof slope and the side roof slope of the outrigger.
6. The layout of the proposed ground floor flat features, amongst other rooms, two bedrooms towards the back of the proposed dwelling. Bedroom 2 (as

- referenced on the submitted plans) has a single window on the rear elevation. Bedroom 3 (as shown on the submitted plans) would have two windows on the side elevation.
7. On account of the restricted amount of space between the appeal site's outrigger and the outrigger at the neighbouring property, the level of outlook that users of this bedroom would experience would be significantly reduced. This situation is exacerbated by the boundary treatments between the two properties and the existing single-storey extension within the appeal site. In consequence, the existing developments would have an overbearing effect on this window.
 8. In respect of Bedroom 3, the windows would face the side elevation of the outrigger of No. 21. Whilst this may be a single bedroom, this causes a concern as the outrigger features a dormer window facing the appeal site. Owing to the proportions of the dormer window, this gives the neighbouring dwelling the appearance of a three-storey building. Due to the limited separation distanced, occupiers of this bedroom would also feature a substantially diminished level of outlook.
 9. Whilst I note that the ground floor would feature a room to the rear of the dwelling that would be available to all occupiers, this would be used as a kitchen, dining area and living room. In consequence, residents may wish to use the bedrooms for a greater number of activities by reason of the potentially greater amount of privacy.
 10. I note that the existing fence between the appeal site and the adjoining property at No. 21 could be reduced in height. Whilst this would reduce the effect of the fence upon the outlook of the occupiers of Bedrooms 2 and 3, it would not ameliorate the effects of the proximity of these windows to the neighbouring property.
 11. I have had regards to the appellant's suggestion that a revised window design to Bedroom 3 could be provided. Even if I were to agree that this would overcome my concerns regarding this bedroom, it would not provide increased outlook for Bedroom 2. Furthermore, this revision would not have been the subject of public consultation. I therefore do not consider that this suggestion overcomes my previous concerns.
 12. The building is already in use as a single dwelling. Therefore, all occupiers can be expected to have access to all rooms of the building and as such, can experience appropriate levels of outlook. In consequence, the fact that the building is already in use as a house does not overcome my previous concerns.
 13. I am aware of several buildings within the surrounding area that have been converted to flats. I do not have full information regarding their planning circumstances, which lessens the weight that I can attribute to them. I also note that several properties within the area surrounding the appeal site are constructed to different designs and therefore the relationships between individual buildings is likely to be different than that between the appeal site and the neighbouring property.
 14. My attention has been drawn to Policy D6 of the London Plan (Intend to Publish) (2019). This policy does not yet formally form part of the Development Plan, which lessens the weight that I can attribute to it. However, I note that

amongst other objectives, the policy seeks to ensure that developments minimise overshadowing. In consequence, I do not believe that the proposal would be in full conformity with this emerging policy.

15. I also acknowledge references to the Greater London Authority's Housing Supplementary Planning Document (2016). This document seeks to increase the level of housing supply. Although the proposed development would result in a greater number of dwellings being provided, I have also been directed towards policies that seek to provide appropriate living conditions for the future occupiers of the development. For the preceding reasons, this objective has not been met.
16. It is apparent that appropriate levels of light would be provided to the ground floor flat. This is a matter of note, but this is only one of all the matters that must be considered. In result, it does not overcome my previous concerns.
17. I therefore conclude that the proposed development would fail to provide appropriate living conditions for all future occupiers. The development in this regard would conflict with Policy 3.5 of the London Plan (2016), Policy DMP 1 of the Brent Development Management Policies (2016) and Policy D6 of the London Plan Intend to Publish Version (2019). These, amongst other matters, seek to ensure that developments provide high levels of internal amenity, and that housing developments should be of the highest internal quality whilst minimising overshadowing.

Other Matters

18. I note concerns raised by the appellant regarding the manner in which the planning application was considered by the Council. However, in considering this appeal, I have limited my considerations to the planning matters before me.
19. I acknowledge that the proposed development would be located within an area with access to public transport and the evidence before me indicates that the proposed development would not have an adverse effect on highway safety. In addition, the internal rooms of the development are of a satisfactory size. Whilst these are matters of note, they do not overcome the adverse effects as identified in respect of the Main Issue.

Conclusion

20. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR