
Appeal Decision

Site visit made on 23 September 2020

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/T5150/W/20/3244160
103 Preston Road, Wembley, HA9 8NN

- 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 Amaravathy Perinpanathan against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/1924, dated 28 May 2019, was refused by notice dated 19 August 2019.
 - The development proposed is retention of use as a house in multioccupancy for 10 persons in Class C1 use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the appellant's statement reference is made to a description of the proposed development, different from that which was agreed during the negotiation of the application between the main parties. However, for the sake of consistency and given that the parties had already agreed a description, which differs from that included on the application form (included in the banner heading above), I have determined this appeal on the basis of that agreed. Accordingly, the proposed development is, 'Part retrospective application for a change of use from a 6 room HMO to create 3 self contained flats and HMO with shared facilities, conversion of existing garage to kitchen and alterations to fenestration'.
3. Although the existing drawings submitted with the application no longer reflect the current layout of the appeal site, I have determined the appeal on the basis of the drawings which were originally submitted with the application.

Main Issues

4. The effects of the proposals on:
 - dwelling mix,
 - living conditions of proposed occupiers by reason of unit size, and
 - off street parking provision.

Reasons

Dwelling stock

5. It is understood that the lawful use of the appeal property is as a single family dwelling. Whilst Policy CP21 would allow its conversion as it meets the floorspace thresholds any conversion requires the inclusion of a 3 bedroom unit; this is designed to maintain a balanced housing stock. The property could accommodate a unit of this size in a conversion scheme but this has not been provided.
6. Consistent with this, Policy DMP17 includes a requirement that there should be a mix of units in residential conversion schemes which address the Council's priorities for family sized accommodation. The range of units proposed, are single bedsits and do not accord with adopted policies.
7. Furthermore, although the scheme includes some non self contained accommodation this does not meet the criteria included in Policy DMP20 which allows conversion of dwellings provided the scheme would meet specified housing needs in areas with good public transport access. The appellant has not provided any evidence to demonstrate how the Council's priority housing needs would be met through this scheme. The site lies in an area designated with a PTAL¹ of 3, defined as being of moderately good public transport accessibility.
8. Accordingly, I conclude on this main issue that the proposals are contrary to Policy CP21 of the Core Strategy and Policies DMP17 and DMP20 of the Development Management Policies DPD 2013.

Living conditions

9. The scheme involves the creation of sub-standard sized units which do not accord with adopted internal floorspace standards. London Plan (2016) Policy 3.5, requires minimum floorspace standards for new self contained flats to ensure acceptable living conditions for the proposed occupiers. The appellant has not provided any evidence on why an exception to these standards should be made in this instance.
10. I conclude on this main issue that the proposed flats would be of insufficient size and would be contrary to the Council's adopted space standards as required by Policy 3.5 of the London Plan and Policy DMP18 of the Council's Development Management Policies.

Parking

11. The front of the appeal site includes an area of forecourt hardstanding which can accommodate vehicular parking in a packed parking layout. This is of insufficient size to provide sufficient parking spaces to meet the requirements of adopted policy and parking standards for the newly created units. Furthermore, the parking area is of an insufficient size to enable the movement of vehicles from the site in forward gear; this could prejudice highway safety. Within the vicinity of the site, Preston Road has parking restrictions which could result in the displacement of parking from the site into surrounding residential streets. This could prejudice highway safety.

¹ Public Transport Accessible Level

12. For these reasons I conclude on this main issue that the proposed scheme would be contrary to Policy DMP 12, which requires sufficient parking to be provided in line with adopted standards.

Other Matters

13. The appellant's statement refers to various matters which I understand may refer to the licensing of the appeal site as a House in Multiple Occupation. Licensing is a different legislative framework from Planning and accordingly I cannot make comment on these matters.
14. The appellant has submitted a series of statements from occupiers of the individual flats which make reference to the management of the appeal site. These details are not relevant to my determination of this appeal under Town and Country Planning legislation.

Conclusions

15. Although the scheme provides some form of residential accommodation, the mix of units together with the standard of accommodation and the limited off street parking provision, fail adopted policies and standards.
16. For these reasons, I hereby dismiss this appeal.

Stephen Wilkinson

INSPECTOR