



Appeal Decision

Site visit made on 20 October 2020

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 30th October 2020

Appeal Ref: APP/T5150/W/20/3249786
187 Church Road, London, NW10 9EE

- 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 Masir Nawabi against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3375, dated 19 September 2019, was refused by notice dated 12 February 2020.
 - The development proposed is conversion of existing shop, bakery and first floor flat to shop, 2no. flats and 1no. maisonette.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Several drawings were submitted with the appeal which were not before the Council when it made its decision. These indicate a slightly altered internal arrangement, a reduction in the sizes of external amenity space including the removal of balconies, and altered external dimensions, including a raised height of the rear projection. Although these alterations are minor in nature, they are nonetheless substantial, and the occupiers of adjoining land could be affected.
3. Accordingly, these changes alter the proposal to the extent that if I were to consider them as part of the appeal, they would potentially prejudice the interests of other parties. The appeal process should not be used to evolve a scheme and it is important that I consider the scheme as it was considered by the Council, and on which interested people's views were sought. I have therefore not considered the revised plans in this appeal and have used only those which were before the Council at the time of its decision.
4. The Council has referred to emerging local plan policies within its evidence. These are at the examination stage but the Inspector's findings have not yet been published, and I cannot be satisfied that the policies will be found to be sound. As such, I have given them only minimal weight in my decision.

Main Issues

5. The main issues are:
 - The effect of the proposed development on the viability of the shopping frontage;

- Whether the proposed development would provide appropriate living conditions for its future occupiers, with particular regard to privacy and internal space; and
- The effect of the proposed development on the character and appearance of the area.

Reasons

Viability of the shopping frontage

6. The site is within the Church End local centre on a secondary shopping frontage, as designated in Policy DMP 2 of the Council's adopted *Development Management Policies* (2016) (DMP). The proposed development would result in the loss of retail floorspace on the ground floor of the appeal building, but its shopfront together with a small shop would be retained.
7. DMP Policy DMP 2 allows non-shop uses to be permitted when the proposal maintains an active frontage and would not reduce the overall frontage in retail use to unviable levels. I acknowledge the Council's concerns that the proposed unit would be too small to ensure its ongoing viability, but consider that the appellant's intention to continue of the current bakery shop use, with preparation being transferred away from the site, to be acceptable and not conflict with the Policy.
8. In any case, I observed that the current shop unit serving the bakery was smaller than that which is proposed, and the proposed unit would include bathroom facilities. Were the bakery shopfront to cease in the future, I have no substantive evidence to suggest that an alternative shopfront-type use would be unviable.
9. I therefore conclude that the proposal would not have a harmful effect on the viability of the shopping frontage, and would not conflict with DMP policy DMP 2, for the reasons set out above.

Living conditions

10. The proposed ground floor units would have windows opening directly onto the pavement on Preston Gardens. These windows are the only ones that would serve the main living areas for two of the flats. Despite being a cul-de-sac, Preston Gardens and its pavement was busy at the time of my visit, and I observed many pedestrians gathering in this area and using it as a thoroughfare. There would be direct overlooking from the pavement and street into the flats, and this would result in an unacceptable lack of privacy for future occupiers.
11. The pitched roofs of the upper floor are also problematic, as areas of first-floor habitable rooms away from the proposed dormer windows would have limited internal floor-to-ceiling heights. This would affect double bedrooms in two of the flats, and result in unsatisfactory living conditions.
12. I appreciate that some of these matters might have been addressed within the revised plans, but I have not considered these for the reasons set out at the start of this letter. I therefore conclude that the proposed development would result in harmful living conditions for future occupiers, with particular regard to privacy and internal space. There would be conflict with DMP Policy DMP 1,

which requires development to have a high level of internal amenity, amongst other considerations.

Character and appearance

13. The Council's concerns over the accuracy of the proposal plans meant that it was not able to provide an assessment of the development's impact on the character and appearance of the area. Although it pointed out that there were a number of inaccuracies, the only specific example identified is the proposed narrow two-storey side extension. I agree that the roof plan and elevations are inconsistent in how they indicate the proposed roof ridge and verges, and acknowledge the Council's comments on the absence of windows at first floor level on the proposed side wall of the side extension. The proposed elevations indicate that this side wall would not be a full two storeys in height and would have windows at ground floor level. In this regard I consider that the proposed development would not appear incongruous in the local context.
14. The roof plan is also inconsistent with the elevations and first floor plan of the proposed rear extension, in that it omits the proposed roof dormers. The elevations and first floor plan indicate that these would allow balcony access, but would be set at eaves and ridge level, meaning that they would be the full height of the first floor when viewed externally. Although the rear extension would appear subservient to the main building and its side extension, these dormers would appear bulky and out of proportion with this part of the building. As such, they would be obtrusive and out of character with surrounding development.
15. I therefore conclude that the proposed development would have a harmful impact on the character and appearance of the area. It would conflict with DMP Policy DMP 1, which requires development to complement the locality and provide high levels of external amenity, amongst other considerations.

Conclusion

16. I have found that the proposal would not harm the viability of the shopping frontage, but this does not mitigate the harm that would be caused to the living conditions of future occupiers, and to the character and appearance of the area.
17. For the reasons given above I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR