
Appeal Decision

Site visit made on 22 October 2022

by G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 09 November 2020

Appeal Ref: APP/T5150/W/20/3252124

Studio 2, 3, 4, 5, 6, 7A, 8A, 9A & 10A, 24 Melrose Avenue, London, NW2 4JS

- 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 Ahmed Alshahib against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2269, dated 25 June 2019, was refused by notice dated 6 March 2020.
 - The development proposed is the removal of an existing side extension and construction of a part single and part 2-storey extension to the west elevation, single storey ground floor wrap-around extension to the north and east elevation, hip to gable loft conversion with full width rear dormer and installation of 3 front rooflights to facilitate the conversion of first floor flat 6 from a studio flat to a 1-bed self-contained flat and application of white render to the rear facade of the residential block of flats.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the proposed development on: (a) the appeal property's existing and future residents' living conditions, and (b) on the character and appearance of the host property and its surroundings.

Reasons

Living conditions

3. The appeal property was initially a semi-detached dwelling, which was unlawfully converted into 9 x self-contained flats. The breach of control was not challenged, and the Council subsequently granted a certificate of lawfulness (the Certificate) for the development in 2019¹.
4. The appellant seeks to alter and extend the property so as to increase floor space in some of the flats. The flats comprise a mixture of studios and 1bed flats. All have a GIA² well below the required minimum space standards for new dwellings sought in Brent's Development Management Policies (DMP), policy DMP18, which is based on the standards set out in table 3.3 of London Plan (LP) policy 3.5³.

¹ Ref 19/0248 dated 3 April 2019

² Gross Internal Areas – dimensions provided by the Appellant

³ Table 3.3 is itself based on the Technical housing standards - nationally described space standards. DCLG 2015

5. In this regard, 4 of the flats have a GIA of just below 14m² compared with the minimum required standard of 37m² set out in the LP for a 1person, 1bed dwelling. Only a single flat, flat 5, with a GIA of 30m² comes close to approaching the minimum space standard requirement set out in development plan policy.
6. The proposed alterations and extensions would increase the GIA in 4 of the flats. However, flat 10, even if extended in the manner proposed, would remain below the minimum space required under the terms of local policy for a 1person, 1bed flat. Two others, flats 5 & 6, would meet the standard. Flat 4 would meet the standard were it occupied by a single person, but would not if 2 persons occupied it.
7. Significantly, however, the GIA of 5 of the 9 flats would be unaltered, and would remain substantially substandard and cramped, with GIAs ranging from 13.2m² to 18.4m², all being less than 50% of the minimum standard for 1p, 1bed flats set out in local policy.
8. Turning to external amenity space, the appellant does not dispute the Council's contention that the external amenity area, as reduced by the proposed extensions, would be deficient in the terms of the Council's adopted standards, to serve the needs of future residents. The appellant's response is that adequate mitigation would be provided in two local parks, which are located just over 10 minutes walk away, or if the amenity area were to be sub-divided⁴.
9. The existing amenity area is in an appalling condition, being overgrown and littered with discarded building products, including an old bath, which, judging from its' condition, has remained in place for some time. The amenity area is virtually unusable for its intended purpose in its existing condition, and it is plain that little or no effort has been made to properly facilitate the amenity needs of the existing residents.
10. A reduction in the size of the external amenity area would serve only to reduce the external amenity space available to an unacceptable level, and there is no guarantee that even a reduced, substandard area would be acceptably maintained in future. I do not find the appellant's mitigation suggestions to be sufficiently persuasive as to warrant a substandard development.
11. I acknowledge the existence of the Certificate, which provides protection against future enforcement action for the existing development. I attach some weight to it, but not sufficient to justify giving the seal of approval to a scheme, which, for the reasons provided above, would overall remain substantially substandard in terms of both internal and external spaces, to the detriment of residents' amenity requirements in terms of local policy.
12. Accordingly, I conclude that the proposal, being seriously deficient in terms of expected internal space standards and external amenity space provision, would harm the living conditions of existing and future residents. The development would thus conflict with those aspects of DMP policies DMP1, DMP 18, DMP19

⁴ No convincing explanation is given as to precisely how the deficiency would be overcome if the garden were to be subdivided

and LP policy 3.5 requiring new development to achieve minimum internal space standards and acceptable levels of external amenity space.

Character and appearance

13. The appellant proposes a mish mash of alterations and extensions, which would materially alter the external appearance of the property. However, the main saving grace of the proposals is that most changes would not be prominent in the public realm. The exceptions would be the proposed hip to gable change, and the large dormer window in the rear roof, which would be seen from Astley Avenue.
14. However, I noted that the adjoining property's roof hip has largely been infilled by a dormer extension. This already affects and compromises the pair's balance and uniformity. I saw that rear dormer structures of the type proposed were not uncommon features on other properties in the locality, so that despite the proposal's bulk, it would not prove uncharacteristic.
15. The proposed alterations and extensions, having regard to other developments in the locality, would not in my view prove as harmful as the Council suggests. On balance, notwithstanding the references to the Council's SPD⁵, the proposed development would not harm the character and appearance of the property or its surroundings to the extent that it should be rejected on this account.
16. Accordingly, I find no material conflict with those provisions of Brent Core Strategy policy CP17 and DMP policy DMP1 designed to encourage high quality design and to protect the character of Brent's suburban areas.

Other matters

17. All other matters raised in the representations have been taken into account, but no other matter is of such strength or significance as to outweigh the considerations that led me to my final conclusions set out below.

Planning balance and final conclusions

18. I find on balance, in respect of the second main issue, that the scheme would not cause unacceptable harm to the character and appearance of the host property or its surroundings.
19. However, in respect of the first main issue, I find that the proposed development as a whole, despite facilitating some improvements in internal space standards, would remain significantly substandard in terms of the living conditions that the property's existing and future residents could reasonably expect to enjoy, having regard to development plan policy and national standards. This is sufficient reason to reject the scheme.
20. Accordingly, the appeal is dismissed.

G Powys Jones

INSPECTOR

⁵ Supplementary Document 2- Residential Extensions and Alterations