
Appeal Decision

Site visit made on 11 August 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2020

Appeal Ref: APP/T5150/W/20/3245533
63 Kingsway, Wembley HA9 7QP

- 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 Anthony Jenkins (Allerton Developments Ltd.) against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3356, dated 17 September 2019, was refused by notice dated 2 December 2019.
 - The development proposed is the creation of a 7 bed HMO (Use class Sui Generis) to include the change of use of an existing outbuilding, provision of waste storage and cycle parking and erection of a covered walkway and seating area in rear garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal varies from the application form to the Council decision notice. The latter more fully describes the proposal and I have therefore determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i. the effect of the proposed use in relation to the housing strategy of the area;
 - ii. the effect of the covered walkway on the character and appearance of the area; and
 - iii. the effect of the proposal in relation to the living conditions of future occupiers of the outbuilding.

Reasons

4. The appeal site is a large two storey semi-detached property which is located on the residential Kingsway, with close access to retail and transport provision on Wembley High Road. The property is not in use as a 'family' dwelling but operated as premises providing care for six people living together as a single household. Both parties are in agreement that the current use is authorised. The property has a reasonably sized rear garden which includes an existing single storey outbuilding at its southern end.

Housing strategy

5. Although the plans indicate that there would be little alteration to the internal arrangement or operation of the main part of the premises, the provision of a seventh bedroom within the rear outbuilding would further intensify the current operations of the property and result in its formal use as a HMO.
6. The evidence indicates that one of the main thrusts of Brent's housing policy is the protection of family housing. With this aim in the background, Policy DMP20 of the Brent Development Management Policies (2016) (BDMP) seeks to closely regulate, amongst other things, proposals for accommodation with on-site support/care to assist residents in their daily lives.
7. Noting that Brent is an area with lower property values than some parts of London, the Authority has identified pressures on providers of accommodation to relocate to the Authority area. Part d. of the policy therefore requires that proposals for such accommodation should demonstrate that there is an evidenced local need for the use proposed which would need to be secured through a planning agreement.
8. Whilst the premises are operated by a registered care provider, the appellant cannot guarantee the property will be exclusively for Brent residents and there is no planning agreement to secure this. The Council state that they have an independent living programme which makes adequate provision for the care needs of individuals resident within the borough and nothing within the evidence contradicts this.
9. I do afford weight to the fact that the property is already utilised to provide care for 6 people. However, the weight I afford to this matter is limited as the intensification of use at the property would, to my mind, further remove any potential future possibility that the property would ever be used as 'family' accommodation in the future.
10. To conclude on this issue, the proposal would not align with the housing strategy for the area and would contravene Policy DMP20 of the BDMP as the proposal fails to demonstrate an evidenced specific Brent need for the use proposed.
11. I do not however find conflict with Policy DMP17 of the BDMP as this Policy solely relates to the conversion of family sized homes of 3 bedrooms or more to two or more other dwellings.

Character and appearance

12. The proposal seeks to introduce a covered walkway and seating area with timber bike store, constructed using a timber frame with polycarbonate roof.
13. The walkway would extend for the whole length of the rear garden between the rear elevation of the main dwelling and the outbuilding at a maximum height of 2.2m.
14. Whilst seeing the logic in this part of the proposal, it is not the type of structure that would be expected within a residential area, it being more akin to commercial or industrial premises. The materials proposed are also rather basic. Although its visibility from the public domain would be limited, it would likely be very apparent from rear first floor windows on nearby properties from

where it would be viewed as a bulky and incongruous structure of rather temporary appearance.

15. I therefore conclude on this matter that the covered walkway would be detrimental to the character and appearance of the area. It would subsequently conflict with Policy DMP1 of the BDMP which amongst other things states that development should be of a type and of materials that complement the locality.

Living conditions

16. Occupants of the outbuilding would be isolated away from the main property and the majority of the other residents. Whilst I appreciate that the walkway has been proposed to enable a more comfortable transition between the two buildings, I have not found this to be acceptable in relation to the character and appearance of the area.
17. The outbuilding would provide an en-suite bedroom and a small communal kitchen which would be accessed from a small communal hallway at the entrance to the building. Any occupier of the main building would have to traverse the garden to access the communal kitchen in the outbuilding, which would not be ideal in the hours of darkness or in poor weather. Further, given the very small size of the kitchen, I consider it unlikely that it would be used communally.
18. I have no indication that the arrangement proposed would not lead to a sense of isolation for the occupier particularly as the resident would be likely to have additional needs. There is no information provided within the application to confirm that the building is of a standard of construction that would be fit for the purpose proposed. The living conditions that the outbuilding would offer are therefore likely to be substandard.
19. I therefore conclude on this issue that there is no evidence that the outbuilding would provide accommodation of an acceptable quality. The proposal would therefore conflict with Policy DMP20 of the BDMP which requires such proposals to be of an acceptable quality. The proposal would also be contrary to Policy DMP18 which does not support the use of outbuildings for residential accommodation partly due to concerns over their quality and suitability for such uses. Further, the proposal would not accord with SPD¹ guidance which advises that outbuildings should not include any forms of primary accommodation.

Other Matters

20. The evidence does not provide any clear information as to the planning status of the existing outbuilding, and its presence at the site does not provide justification for the appeal.

Conclusion

21. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR

¹ Brent Residential Extensions & Alterations SPD2 (2018)