The Planning Inspectorate

Appeal Decision

Site visit made on 5 January 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2021

Appeal Ref: APP/T5150/W/20/3257590
First floor flat, 3 Chestnut Avenue, Wembley HA0 2LU

- 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 M Munawar against the decision of the Council of the London Borough of Brent.
- The application Ref 19/4488, dated 19 December 2019, was refused by notice dated 13 February 2020.
- The development proposed is described as resumption of human habitation of first floor flat.

Decision

1. The appeal is dismissed.

Procedural Matters

2. From the evidence before the internal works relating to the residential use have been largely completed. The application has been submitted retrospectively and I have dealt with the appeal on this basis.

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

4. Notwithstanding the description of development set out above, which is taken from the application form, it is clear that the proposal is for the use of the first floor as a self-contained flat. The Council dealt with the proposal on this basis and so shall I.

Main Issues

5. The main issues are:

   - The effect of the proposed development in terms of the provision of family housing
   - Whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to outlook; and
   - The effect of the proposed development upon the safe and efficient operation of the highway network.

Reasons

Provision of family housing

6. The appeal property is a semi-detached dwelling located close to Sudbury Town Centre split into 2 flats. The property is set back from the road with a front driveway with controlled on street parking.

7. Policy DMP17 of the Development Management Policies (2016) (DMP) sets out circumstances where the conversion of family sized houses into two or more dwellings will be supported. It makes clear in criterion a that the existing house should be 130sq.m or more and criterion b sets out that proposals should result in at least a 3-bedroom dwelling preferably with direct access to amenity space.

8. The supporting text to Policy DMP17 explains that, whilst the conversion of existing housing stock into smaller dwellings provides additional homes, the continued provision of family-sized housing or flats of 3 bedrooms or more is also a priority because of the recognised need for such dwellings.

9. I acknowledge that the previous planning history has resulted in somewhat of an unusual situation and under occupation of the appeal property. However, the proposed development comprising a 1-bedroom flat would not be capable of occupation by a family due to its limited size. Moreover, it would lead to the loss of a family sized dwelling resulting in a detrimental impact upon the Council's family housing stock.

10. I acknowledge that the local housing stock indicates a greater proportion of houses in the area. However, there is no substantive evidence to indicate that family housing is fully catered for, especially given planning policies seek to retain such housing. As such, I find that this is not justification for a scheme that I have found to be harmful.

11. The appellant has drawn my attention to the Council's Strategic Housing Land Availability Assessment outlining housing need up to 2041. Whilst it indicates a requirement for smaller units there is no substantive evidence before me to suggest that the Council are failing to deliver such units or housing that reflects the needs of different groups in the community. I therefore afford this matter limited weight in coming to my decision.

12. I acknowledge that the National Planning Policy Framework seeks to boost the supply of housing. However, the proposed development would make only a modest contribution towards housing in the area and would not outweigh the harm that I have identified in respect of the loss of family sized housing.

13. I conclude that the proposed development would have an adverse impact upon the provision of family housing in the area contrary to policies CP2 and CP21 of the Brent Core Strategy (2010) and DMP Policy DMP17 which, amongst other things, seek to maintain family sized housing and a balanced housing stock to meet the wide range of household needs in the borough.

Living conditions for future occupiers

14. Whilst the proposed flat would be dual aspect and benefits from a bay window to the front I note that the window facing the neighbouring property serving the kitchen is obscurely glazed. Taking into account the size of the kitchen the

space would serve a dual purpose for both cooking and more recreational activities.

15. Taking into account the length of time occupiers would spend in the room preparing or eating meals I find that the obscure glazing would result in an unduly oppressive room with limited outlook. I find that this arrangement would not provide future occupiers with satisfactory outlook resulting in unacceptable living conditions for future occupiers. Whilst the obscure glazing could be replaced with clear windows the details are not before me, as such I have not taken this into account in coming to my decision.

16. I note the appellant's comments that the development has windows serving each of the rooms, high ceilings, natural light and ventilation. Whilst I acknowledge this it does not alter the harm that I have identified.

17. Due to the limited outlook from the window serving the kitchen, I find that the proposed development would result in a substandard form of accommodation and would not provide adequate living conditions for future occupiers. It would be contrary to Policy DMP1 of the DMP which, amongst other things, requires high levels of internal amenity.

18. It would also be contrary to guidance contained within SPD1 – Brent Design Guide (2018) which, amongst other things, requires new development to provide amenity for new residents.

Safe and efficient operation of the highway network

19. I note that the submitted plans show two cars parked on the forecourt of the appeal property. However, based on my observations and the evidence before me including the angle of the spaces, width of the footway crossing and existing boundary the spaces would not be independently accessible.

20. Notwithstanding the above, at the time of my visit I observed a significant number of available parking spaces along Chestnut Avenue, albeit subject to parking permit control. There were no obvious signs of parking pressures in the area. Whilst the spaces are not independently accessible, I am satisfied that any displacement of resident's vehicles or visitors onto Chestnut Avenue or surrounding roads is unlikely to unduly affect traffic flow or highway safety.

21. The site is located close to the town centre, within convenient reach of day to day services and facilities. It is also accessible by different means of transport including by foot and public transport in the form of bus services and nearby railway station. It would therefore be perfectly feasible for occupants to live in the proposed development without the need for a car and who would be able to travel for work, services or leisure by public transport, bicycle or on foot.

22. I acknowledge that the details of cycle parking and refuse storage has not been provided. However, I am satisfied that relevant conditions could be imposed if I were minded to allow the appeal.

23. I conclude that the proposed development would not adversely affect the safe and efficient operation of the local highway network. It would accord with DMP Policy DMP12 which, amongst other things, seeks satisfactory access and parking which does not negatively impact on existing parking, highways or other forms of movement

Conclusion

24. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR