



Appeal Decision

Site visit made on 25 March 2021

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/T5150 /W/20/3261922

30 Park Lane, Wembley HA9 7RZ

- 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 S. Bharde (Properties7 Developments Ltd) against the decision of the London Borough of Brent.
 - The application Ref:20/1726, dated 11 June 2020, was refused by notice dated 25 September 2020.
 - The development proposed is described as the proposed conversion of an extended dwelling into 6 self-contained flats and widening of a cross over from 3.7 m to 4.1 m.
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Decision

1. The appeal is allowed, and planning approval is granted for the proposed conversion of an extended dwelling into 6 self-contained flats and widening of a cross over from 3.7 metres to 4.1 metres at 30 Park Lane, Wembley, HA9 7RZ in accordance with the terms of the application Ref: 20/1726, dated 11 June 2020, and subject to the following conditions:
 - i) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - ii) The development hereby permitted shall be carried out in accordance with the following documents and plans:

PE101, PE102, PE103, A107A, A106A, A208 Rev A, A207 Rev A, A206 Rev A, A205 Rev A, A204 Rev A, A203 Rev B, A202 Rev C, A108, A109 Rev A, A105, A104, A103, A102, A101, A100 Rev A and 30 Park Lane Site Location Plan.

Procedural Matter

2. A new London Plan 2021(LP) was published in March 2021 and this post-dates the Council's refusal notice. This now forms part of the development plan for the area. As part of the determination of this appeal, I afforded the main parties an opportunity to comment upon the implications of this change for the purposes of determining this appeal. I have determined this appeal in accordance with the relevant policies of the LP.

3. Reference is also made to the emerging Brent Local Plan which has been submitted to the Secretary of State for examination. However, as it has not yet been adopted, I afford it only limited weight in decision making terms.

Main Issues

4. The main issues are (i) the effect of the proposed accommodation upon the living conditions of future occupiers in terms of internal space, daylight to rooms and outlook; (ii) whether there would be acceptable outside amenity space provision and (iii) whether there would be suitable cycle storage provision.

Reason

Site description and the principle of the development

5. The appeal building is a substantial, extended semi-detached property in an established residential area with accommodation over three floors and further accommodation in the roof space. It has front and rear amenity spaces.
6. The local planning authority (LPA) raises no objections in principle to the use of the property for apartments and I see no reason to disagree.

Living conditions

7. Flat 1 on the lower ground floor would have three relatively narrow bedrooms facing the rear amenity space and where the LPA considers that daylighting would be inadequate. The bedrooms face in a western direction. Two of the bedrooms would each have two windows while the third would have one larger window. Sleeping accommodation, especially for bedrooms 1 and 2, would be towards the windows while space to the rear of the rooms would be used for wardrobes and storage. The appellant considers that daylighting would meet British Standards' code of practice and I have no evidence before me from the LPA to argue differently. On my site visit, I was able to consider the likely daylighting to the 3 bedrooms, bearing in mind the number and size of windows to each bedroom and the depth of the proposed rooms. I consider that daylighting to each of them would penetrate sufficiently to the whole of each room. I also found that the outlook from each bedroom onto the rear amenity space would be uninterrupted and acceptable.
8. Flat 1, lower ground floor, would also contain a proposed gym/utility/store and shower room where daylight would be provided by a lightwell. The LPA considers that the room is capable of being used as a bedroom and that in such circumstances the lightwell would provide an inadequate source of daylighting. However, I have no reason to believe that the room would not be used for the stated purposes. As it is not proposed to use this room as a bedroom, I am satisfied that there would be adequate light penetration into the room from the light well.
9. I have noted that flat 1 on the lower ground floor is shown as a 3-bed, 6-person apartment. However, the associated plans show it as a 3-bed, 4-person apartment and I have therefore determined the appeal on this latter arrangement. The LPA notes that bedroom 3 has a maximum width of 2.4 metres and that policy D6 of the LP requires a double room to be 2.55 metres wide. However, the plans show bedroom 3 to be a single bedroom where policy D6 requires a minimum width of 2.15 metres.

10. Flat 4 on the first floor is shown to be a 1-bedroom and 2-person apartment. It includes a storeroom/dining room and the LPA considers that this could be used as an additional bedroom, making the apartment a 2-bedroom/3 person apartment and where, in such circumstances, it would not meet minimum internal space standards of the LP. However, there is no evidence before me that the apartment would not be used as shown on the submitted plans and as such I have no reason to find that the minimum space standards for the proposed 1-bedroom, 2-person apartment are not adequate.
11. Therefore, I conclude that the proposed development would accord with policies DMP1 and DMP18 of the Brent Development Management Local Plan 2016 (BLP) relating to good design and also to the standards in the LP and with those of the Nationally Described Space Standards (2015).

Amenity space

12. Access to the communal rear amenity space for occupants of the flats other than those on the lower ground floor would be via the front exit and the public footpath down the side of the building, using a side gate into the garden. The distance is not excessive, or the route convoluted, and the footpath is surfaced, relatively level and is lit. Moreover, it is overlooked which adds to surveillance and security.
13. The LPA makes no objection to the size of the available amenity space.
14. I conclude that the communal amenity space accords with BLP policy DMP19 which is concerned with the size and type of available amenity space.

Cycle storage

15. The LPA considers that insufficient information has been submitted to demonstrate that between 8 and 10 cycle parking spaces can be provided in a secure and weatherproof shelter in the front forecourt. However, the submitted plans show that the existing shed in the rear amenity space would be used for this purpose, sufficient for up to 8 cycles. While the LPA questions the lawfulness of the shed, I have no evidence before me to conclude that it is unlawful in planning terms. There would be space in the lower ground floor apartment for cycle storage for that unit. These are in addition to the proposed bike stand for 4 cycles at the front of the premises.
16. Therefore, I conclude that provision for cycle storage would accord with BLP policy DMP1 which is concerned to ensure satisfactory means of access for all.

Other matters

17. A third party objection is made on the basis that the property used to be a large family house and that its conversion to apartments would be out of character with other houses in the road and with properties backing onto the proposed development. Use of the building as six apartments would not change its external appearance and I do not consider that the intensity of the residential use would be such that it would cause material harm to the character of the area.
18. A third party objection is also made regarding the effect of the appeal development upon parking in the road and surrounding roads. It is stated that roads are heavily parked and narrow, making it difficult for buses to pass and

that matters are exacerbated on stadium event days and by the proximity of schools and resulting school journeys.

19. Parking on event days is restricted to permit holders only in certain areas and between stated hours.
20. The LPA considers that the proposed development would generate a need for 4 parking spaces, but only two on-site spaces are proposed. I am not certain why or how the LPA reached a view that an estimated 4 parking spaces would be required. The LPA outlines that the site falls within the Wembley Stadium event day CPZ. I have not been provided with any further details about Wembley Stadium CPZ.
21. While the number of spaces falls below the LPA's 'estimated' requirement, the LPA has not refused the application based upon on-street car parking demand issues. While my site visit was only a snapshot in time, I did notice that there was some spare on-street car parking capacity on roads in the vicinity of the appeal site. While I do acknowledge the existence of the Wembley Stadium CPZ, there is actually no objective evidence before me that additional parking on the highway, associated with residential use of the appeal property, would cause any harm from an on-street car parking demand or stress point of view. Consequently, and notwithstanding the shortfall in 'estimated' car parking spaces, the evidence is such that I find that the proposal would not lead to any harm to the area in car parking provision terms.
22. None of these other matters, either individually or collectively, outweigh my conclusions upon the main issues.

Conditions

23. Planning permission is granted subject to the standard three-year time limit condition.
24. It is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
25. I have not felt it necessary to impose a condition requiring details of cycle storage in view of my conclusions on the adequacy of its provision.
26. While the Highway Authority has suggested the imposition of a car free housing condition, my assessment of car parking matters above means that any such condition or other control would not, in this case, be necessary.

Conclusion

27. For the reasons outlined above, I conclude that the appeal should be allowed.

Steven Hartley

INSPECTOR