The Planning Inspectorate

Appeal Decision

Site visit made on 27 April 2021

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/T5150/W/20/3263187
16 Wotton Road, London, NW2 6PX

- 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 Clifton Securities Limited against the decision of the Council of the London Borough of Brent.
- The application Ref 20/1179, dated 16 April 2020, was refused by notice dated 14 August 2020.
- The development proposed is change of use of Units 1 and 2 from office (B1) to work-live (sui-generis).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is whether the living conditions of future occupiers would be acceptable, with regards to outlook, daylight and noise and disturbance.

Reasons

Living conditions

3. The appeal property comprises a large metal and brick partly single storey, partly two storey warehouse-type building which backs on to the rear gardens of terraced housing to three sides and a large commercial building to the fourth side.

4. Planning permission was previously granted[1] for, amongst other things, the refurbishment of the warehouse to provide office space at ground and part of first floor level and one self-contained flat on the first floor and conversion of a loft into habitable spaces. The Council notes that this planning consent has been implemented.

5. The proposed development the subject of this appeal would involve the creation of two new live-work units. Unit 1 would comprise a large first floor studio flat above ground floor workspace; and Unit 2 would involve splitting existing ground floor workspace into a large studio flat and workspace.

[1] Reference: 18/2523.

6. The living space for Unit 1 would have a large window on an internal wall facing into that part of the warehouse building comprising an internal courtyard. Whilst the proposed Unit's large window would be on an internal wall, this would enable some daylight to enter Unit 1 via the internal courtyard area. A small amount of further daylight would be received from glazing to the opposite wall.

7. Whilst this could provide for adequate amounts of natural light, I consider that the resultant outlook for Unit 1 would be poor, as the main outlook would be directly into an internal courtyard.

8. The harm arising from this would be exacerbated as a result of the courtyard comprising a communal area and the main entrance into the warehouse building as a whole. As such, the courtyard would be a focus for the opening and closing of doors, comings and goings, vehicular movements, deliveries and the various and wide-ranging activities associated with live-work use and I find that this would give rise to unacceptable living conditions for future occupiers of Unit 1 as a result of the Unit being directly impacted by unreasonable levels of noise and disturbance.

9. Unit 2 would be located on the ground floor of the warehouse building. The living space would have windows to the north and east only, placing a significant reliance on the outlook from these windows. All but one of these windows would look out onto a tall site boundary within very close proximity, allowing only for glimpses to the sky-line above. The remaining window would also look out onto a tall boundary feature, albeit slightly further away, with a staircase rising in close proximity.

10. Whilst the above could provide for sufficient levels of daylight, I find that it would result in a very poor outlook from the proposed unit.

11. Taking all of the above into account, I find that the proposal would not result in acceptable living conditions for future occupiers, in respect of outlook and noise and disturbance, contrary to the National Planning Policy Framework, to Brent Development Management Policies Plan (2016) Policy DMP1, DMP18 and DMP19 and to the Council's Supplementary Planning Document: Brent Design Guide SPD1 (2018), which together amongst other things, seek to protect residential amenity.

Other Matters

12. Whilst I note that the Council considers that the proposal would result in unacceptable living conditions in respect of ventilation, privacy and private amenity space, there is nothing to lead me to the conclusion that these are matters that would result in such significant harm as to warrant dismissal of this appeal.

13. However, I have found that the proposed development would give rise to unacceptable living conditions in respect of outlook and noise and disturbance, thus leading to the decision below.

Conclusion

14.For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR