



Appeal Decision

Site visit made on 26 February 2021

by Christopher Miell MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 May 2021

Appeal Ref: APP/T5150/W/20/3261336

11 Nettleden Avenue, Wembley HA9 6DP

- 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 Sabah Albadri against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/1813, dated 22 June 2020, was refused by notice dated 17 August 2020.
 - The development proposed is conversion of dwelling house into 1x3 and 1x1 bed flats with internal alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appellant has submitted a set of revised plans with the appeal. The revisions would reduce the amount of off-street parking¹ provided as part of the development with additional soft landscaping provided at the front of the site. In addition, the location of the bicycle and refuse stores would change and additional external private amenity space would be provided for the occupiers of the respective flats.
3. The amended plans were provided to the local planning authority by the appellant as part of the appeal process. However, there is no evidence to demonstrate that consultation was undertaken with other interested parties, such as local residents, who may wish to make comments about the proposed changes. The appeal process should not be used to evolve a scheme and it is important that I determine this appeal on the basis of what was considered by the local planning authority, and on which interested people's views were sought. For the avoidance of doubt, I have not had regard to the revised plans as part of the determination of this appeal.

Planning Policy

4. The London Plan 2021 (the 'LP 2021') was published by the Mayor of London on 2 March 2021. The LP 2021 comprises the spatial development strategy for London and forms part of the development plan. The LP 2021 supersedes the London Plan of 2016.

¹ The amended plans shows off-street parking would be provided for one vehicle, whereas the refused plans show off-street parking would be provided for three vehicles.

5. It is incumbent on me to take into account the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis. The main parties have had an opportunity to address this matter as part of the appeal process.
6. The Council refer to Brent's emerging Local Plan within their statement of case. In accordance with paragraph 48 of the National Planning Policy Framework (the 'Framework') weight may be given to policies within emerging plans. The weight given is determined by the stage of preparation of the emerging plan, the extent of unresolved objections and the degree of consistency of the relevant policies to the Framework. I have not been provided with any substantive details of the status of this emerging plan, and therefore I attribute the plan and policies very limited weight as a material planning consideration.

Main Issues

7. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future occupiers, in respect of the amount of external private amenity space; and
 - whether or not the proposal would function effectively having regard to the provision of on-site vehicle parking and bicycle storage.

Reasons

Site and proposal

8. The appeal property is a two-storey semi-detached dwelling located on Nettleden Avenue. It is proposed to convert the dwelling into two self-contained flats, which would comprise of a three-bedroom unit and a one-bedroom unit, respectively. The rear garden would be subdivided to provide external private amenity space for each of the flats, whilst three off-street parking spaces would be provided to the front/side of the building.

Living conditions of future occupiers

9. Policy DMP19 of the London Borough of Brent Local Plan: Development Management Policies (the 'DMP') states "all new dwellings will be required to have external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 20sqm per flat and 50sqm for family housing (including ground floor flats)".
10. The Council explain that 'family housing' means residential dwellings with three bedrooms or more. This definition is consistent with the aims of Policy DMP17 of the DMP and has not been disputed by the appellant.
11. The proposed site plan² shows that the three-bedroom unit would have an external private amenity space measuring 43.4sqm, whilst the one-bedroom unit would have an external private amenity space measuring 19.1sqm. The size of both external private amenity spaces would fall below the Council's adopted minimum standards, as set out within Policy DMP19 of the DMP.

² Dwg no: XEVA/11NA/206 (ISSUE:A)

12. In addition to the above, the site plan shows that the cycle and bin storage would be provided within the external private amenity spaces. If this were the case, it would reduce the amount of useable space for amenity purposes further below the minimum standards. To this regard, the supporting text³ to Policy DMP19 explains that the calculation of amenity space does not include any parking, cycle or refuse and recycling storage areas.
13. The appellant explains that the measurements shown on the proposed site plan are incorrect and fail to include the full extent of external private amenity spaces which would be provided for each of the respective flats. He argues that if such areas were included, the development would meet the minimum standards set by Policy DMP19.
14. However, no substantive evidence has been put forward to demonstrate that the size of the external private amenity space would meet the minimum standards when the areas for bicycle and refuse/recycling storage areas are discounted.
15. For the reasons set out above, in the absence of specific details to demonstrate that the proposed development would meet the Council's minimum standards, I am unable to conclude that the proposal would provide acceptable living conditions for future occupiers, in respect of the amount of external private amenity space.
16. Consequently, I cannot conclude that the proposal would accord with Policy DMP19 of the DMP. In addition, I cannot conclude that the proposal would accord with Policy DMP1 of the DMP, which, amongst other things, requires development to provide high levels of external amenity.
17. In addition, I cannot conclude that the proposal would accord with Policy D6 of the LP 2021 which requires housing development to provide private outdoor space in accordance with local standards set out within the borough Development Plan Documents.

Vehicle parking and bicycle storage

18. Policy DMP12 of the DMP states that “developments should provide parking consistent with the parking standards in Appendix 1. In appropriate locations benefiting from high levels of public transport access, generally with PTAL 4 or above, opportunities for car free development should be considered”.
19. In this instance, the Council explain that the appeal site has a PTAL rating of 2, and, thus, the development should provide a maximum of 2.5 car parking spaces, in accordance with the Council's adopted parking standards. This calculation has not been disputed by the appellant.
20. The proposal would provide off-street parking for three vehicles, which would exceed the maximum parking standard for the type of development proposed. No substantive evidence has been put forward by the appellant to demonstrate why additional parking above the maximum standards is required as part of the development. Consequently, the proposal would not accord with Policy DMP12 of the DMP.

³ Paragraph 10.39 of the DMP

21. In addition to the above, the proposed frontage parking area would be devoid of soft landscaping. Therefore, the proposal would conflict with guidance⁴ contained within the Council's Residential Extensions and Alterations Supplementary Planning Document 2 (the 'SPD'), which advises that frontage parking should achieve a '50/50 balance' between soft and hard landscaping.
22. In terms of cycle parking, the Council explain that a minimum of three cycle spaces should be provided as part of the development. This requirement has not been disputed by the appellant.
23. Policy T5 of the LP 2021 states that cycle parking should be designed and laid out in accordance with the guidance contained in the London Cycling Design Standards (the 'LCDS'), which amongst other things recommends that cycle parking should include step-free access to ensure that any cycle user with a physical, sensory or cognitive impairment can enjoy access to good quality cycle parking⁵.
24. Based on the evidence before me, it is unclear how the minimum cycle parking requirement has been calculated by the Council. Nevertheless, based on the likely occupancy of the proposed units, I am satisfied that such an amount of cycle parking would be sufficient to meet the needs of future occupiers and promote sustainable travel.
25. The proposed development would provide six cycle spaces, which would comprise of four spaces for Flat 1 and two spaces for Flat 2. The cycle parking would be provided within secure cycle sheds, which would be located within the external private amenity areas of the respective units. To gain access into these areas, future occupiers of the proposed flats would have to walk down a set of steps.
26. Whilst the number of cycle parking spaces would exceed the Council's minimum standards, the design and layout of the cycle parking would conflict with Policy T5 of the LP 2021, which requires step free access in accordance with the guidance contained within the LCDS.
27. For the reasons given, I conclude that the proposal would not function effectively having regard to the provision of on-site vehicle parking and bicycle storage. Consequently, the proposal would not accord with the aforementioned requirements of Policy DMP12 of the DMP and Policy T5 of the LP 2021.
28. Accordingly, the proposal would not accord with Policy DMP1 of the DMP, which, amongst other things, requires development to be satisfactory in terms of parking.
29. In respect of this main issue, the second reason for refusal on the Council's decision notice refers to Policy DMP11 of the DMP. However, this policy relates to proposals forming an access on to a road. The submitted plans do not show any alterations to the existing dropped kerb at the appeal site, nor are any such works specified at section 8 of the planning application form. Consequently, I consider that this policy is not applicable in respect of this main issue.

⁴ Paragraph 2.9 of the SPD

⁵ Section 8.1.2 of the LCDS

Other Matters

30. The proposed development would result in the creation of an additional dwelling at the appeal site, which would make a positive contribution to the Council's housing land supply needs. Moreover, there would be some limited benefits to the construction industry and the vitality and viability of the facilities and services in the local area from the spend of future occupiers, as such the proposal would have social and economic benefits. However, given the quantum of development proposed, such benefits would be modest and would not overcome the very weighty conflict with the identified development plan policies as outlined in the main issues above.

Conclusion

31. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Christopher Miell

INSPECTOR