The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2021

Appeal Ref: APP/T5150/W/21/3279633
3 The Leadings, Wembley HA9 9DT

- 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 Pinto Patel against the decision of the Council of the London Borough of Brent.
- The application Ref 21/0382, dated 3 February 2021, was refused by notice dated 30 March 2021.
- The development proposed is the conversion of a single dwelling into three flats.

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit a considerable amount of building work was being carried out on the appeal property. This was partly in connection with a 5m rear extension being built under permitted development rights[1], but there were also internal alterations underway which, broadly at least, appeared to relate to the proposal now before me. Because of the work I was not able to enter all parts of the property but from what I saw it was apparent that, particularly on the ground floor, the internal layout did not match either the "existing" or "proposed" drawings submitted as part of the planning application in this appeal. I have considered the application on the basis of the plans and other information submitted to the Council as part of the planning application, and not the way the property was laid out at the time of my site visit.

Main Issue

3. The main issue is the effect of the proposed development on the provision of family housing.

Reasons

4. 3 The Leadings is a three-storey mid-terrace townhouse-style dwelling. The proposal is to convert it into three self-contained flats, one on each storey. That on the ground floor would have two bedrooms and private access to the rear garden, while the flats on the first and second floors would each have one bedroom. The first floor flat would have private access to an existing balcony at the front of the building.

[1] "Prior approval" application LPA Ref: 19/0323.

5. The development plan seeks to ensure that Brent maintains and provides a balanced housing stock, including family accommodation (which it defines as having three or more bedrooms). Policy DMP17 of the 2016 Brent Local Plan Development Management Policies Plan ("the DMPP") sets out the circumstances in which the conversion of family-sized dwellings to two or more other dwellings will be allowed. These are where (a) the existing home is 130m^2 or more, and (b) where the development results in the provision of at least a three-bedroom dwelling, preferably with direct access to a garden or other amenity space.

6. The appeal property has an original internal floor area of around 148m^2, as calculated by the appellant, rising by the Council's measurement to around 169m^2 once the new rear extension is taken into account. It is clear either way that criterion (a) of Policy DMP17 is complied with. However, the largest new unit proposed (the ground floor flat) would only have two bedrooms, so criterion (b) would not be complied with. DMP17 states that exceptions will only be allowed "where the amenity of the existing family sized home is so deficient that family occupation is unlikely and it could not reasonably be changed to overcome such deficiencies". The appellant contends that that is the case here, because of deficiencies in internal and external space.

7. The Council's officer report notes that one of the existing bedrooms in the property measures only around 6.3m^2, and it therefore falls around 1.2m^2 short of the minimum requirement for a single bedroom set out in the Technical Housing Standards which are applied by the development plan. However, this must be seen in the context of a dwelling with three other decent-sized bedrooms and generous family rooms. In this light, one single bedroom failing to meet the current space standard does not in my view represent a serious deficiency of internal living space which would make family occupation unlikely or, though it is not the policy test, undesirable.

8. Similarly, following the completion of the permitted development 5m rear extension, the rear garden area of around 47m^2 would not quite meet the development plan requirement of 50m^2 of private amenity space for a new family home[2]. However, there is the existing first floor balcony at the front of the house, which measures around 8m^2 and provides at least semi-private external amenity space, and there is also – although it is not private – a street-facing front garden. Again, given the context of a residential area including similar properties, with public parks and play spaces reasonably close by, I do not consider that the amount of private amenity space available makes the appeal property unlikely to be occupied, or unsuitable for use, as a family dwelling. There is no substantive evidence before me to suggest that the exception set out in Policy DMP17 of the DMPP should apply in this case.

9. I acknowledge that both the development plan and the National Planning Policy Framework ("the Framework") seek to boost the supply of housing, and the proposed development would result in a net increase of two dwellings. However, that would be only a modest contribution towards increasing the supply of housing locally, and would lead to the loss of a family sized dwelling. The Framework seeks to ensure that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies, and there is nothing before me to indicate that the

[2] Required by Policy DMP18 of the DMPP.

Council's policies in respect of the need to retain and provide family housing in Brent do not do this.

10. The appellant argues that the Council has misinterpreted Policy CP21 of the 2010 Brent Core Strategy ("the BCS") which refers to the need for development to include new family housing on "suitable sites" (not *strategic* sites, as the appellant has put it) providing 10 or more homes. However, CP21 also specifically seeks to protect *existing* accommodation that meets known housing needs. I therefore do not agree that the Council has misinterpreted its own policy in this case.

11. I conclude that, by replacing a single family-sized dwelling with three units which would not include family-sized accommodation, the proposed development would have an adverse effect on the provision of family housing. It would therefore conflict with Policy CP21 of the BCS and Policy DMP17 of the DMPP, which among other things seek to maintain the supply of family-sized housing and ensure a balanced housing stock is available in the borough.

12. For the same reasons, I also find that the proposal would conflict with Policy BH11 of the emerging Brent Local Plan ("the BLP"). I note that although it is at an advanced stage of preparation the BLP has not yet been adopted. I therefore afford conflict with that policy limited weight in my decision, although this does not alter my overall conclusion.

Other Matters

13. The appellant has drawn my attention to an earlier planning application to convert the appeal property into three self-contained flats, which was refused in 2020[3]. I have not been provided with the full details of that proposal, but it would have provided a three-bedroom flat on the ground floor rather than the two-bedroom flat proposed in this scheme. This is a fundamental difference in Policy DMP17's terms, so the two schemes are not directly comparable. While the appellant considers that the main reasons for which the earlier proposal was refused permission have been addressed, this does not add weight in support of the current proposal.

14. The proposed development would provide adequate internal living space, light, outlook and ventilation for future occupiers, and would not cause significant harm to neighbours' living conditions. The Council considered the proposal acceptable in these respects, and I have no reason to take a different view. However, that the development would be acceptable in these matters would not outweigh the harm caused by the loss of family housing without reasonable justification.

Conclusion

15. The scheme conflicts with the development plan read as a whole. None of the material considerations identified, including the Framework, outweigh this conflict or justify a decision other than in accordance with the development plan. The appeal is therefore dismissed.

M Cryan

Inspector

[3] LPA Ref: 20/1789