



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: 22 DECEMBER 2021

Appeal Ref: APP/T5150/W/21/3273045

20 Manor Farm Road, Wembley HA0 1AD

- 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 Milind Gaglani against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/4070, dated 9 December 2020, was refused by notice dated 16 February 2021.
 - The development proposed is the conversion of a dwellinghouse into 2x self-contained flats, removal of side garage door, erection of rear dormer with 1x front rooflight, increase in ridge height of two-storey side extension, installation of dropped kerb to front & side of site with associated landscaping.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Milind Gaglani against the Council of the London Borough of Brent. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the banner heading above is taken from the appeal form. I have used it in preference to that on the original planning application form as it provides a more comprehensive description of the proposal. The Council proposed a wording which also included a reference to a development plan policy (to which the appellant objected), but as that element is not descriptive of the proposal, I have not used it here.
4. The Council's decision notice referred to draft Policy D6 of the "London Plan Publication Version 2020", published in December 2020. A new and final version of the London Plan was published and became part of the development plan on 2 March 2021. As Policy D6 was unchanged between the two versions I have simply referred to the 2021 London Plan at the relevant points in my reasons below. The Council's decision notice also indicated conflict with Policy 3.5 of the London Plan 2016, but as that has been superseded by the 2021 London Plan, I have not referred to it in my reasons.
5. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. During the appeal both main parties were given the opportunity to

comment on the revised Framework. Where I have referred to specific paragraphs of the Framework, the numbering is that of the July 2021 version.

Main Issues

6. The main issues are:

- Whether or not the development would provide acceptable living conditions for future occupiers of the proposed upper flat, with particular regard to internal living space and external amenity space; and
- The effect of the proposed roof extension on the character and appearance of the area.

Reasons

Living conditions

7. The appeal property is a two-storey end terraced house, on a corner site where Burnside Crescent joins Manor Farm Road. The appellant seeks to convert the property into two self-contained three-bedroom flats; one entirely on the ground floor, the other spread over the first floor and a new second floor which would be created by converting and extending the existing loft space. The proposal includes the various physical works to facilitate the development, as well as the change of use itself.
8. The main parties differ slightly in their calculation of the floorspace of the proposed upper flat, with the appellant measuring it at around 88.5m² compared to the Council's figure of 83m². The space standards for residential development which are applied by Policy D6 of the 2021 London Plan reflect the Nationally Described Space Standard¹. The Council considers that the flat falls short of the standard, which requires a minimum floorspace of 93m² for a three-bedroom dwelling over two storeys providing five bedspaces. The appellant, on the other hand, argues that the upper flat would exceed the policy's minimum floorspace requirement of 84m² for a three-bedroom dwelling over two storeys providing four bedspaces.
9. The space standard requires a single bedroom to have a floor area of at least 7.5m², and a double or twin bedroom to have a floor area of at least 11.5m². The submitted drawings show the proposed bedroom 1 on the first floor with a double bed, while bedroom 2 on the first floor and bedroom 3 on the second floor are shown with single beds, so making a total four bedspaces. However, the floor areas shown are 14.35m², 9.50m², and 15.36m² respectively. The second-floor bedroom would exceed the space standard floorspace requirement for a double bedroom and in fact would have the largest floorspace of any bedroom in the flat. In my view that room would be capable of accommodating two people and, regardless of the appellant's intentions at this stage, would be likely to be used as such at some point in the future. The occupancy of that room is not a matter which in my view could be controlled by a condition. I therefore consider that the upper flat needs to be assessed as a three-bedroom dwelling with five bedspaces, as the Council has done. In this light, even the larger floorspace figure which the appellant has calculated for the proposed upper flat would not comply with the space standard set out in Policy D6.

¹ "Technical housing standards – nationally described space standard", Department for Communities and Local Government 2015

10. The appeal property's existing front garden would be for the use of the occupiers of the proposed upper flat, and would provide a car parking space, cycle, and bin storage, and would have an area of soft landscaping. However, its location at the front of the building would mean that it would be in public view of anyone passing the property along Manor Farm Road or Burnside Crescent, and so it would not be private. The property's existing rear garden would be for use of the occupiers of the proposed lower flat and could not be directly accessed from the upper flat. The upper flat would not therefore have any private external amenity space.
11. The appellant has referred to development at 140 Crest Road² and 81A St Johns Avenue³, where the Council granted planning permission for house-to-flat conversion schemes where an upper flat has no private outdoor amenity space. It is suggested that those decisions should set a precedent for this proposal. I do not know the full details of those other cases, and as I have not been provided with the Council's officer reports I do not know the full range of factors the Council took into account in reaching its decisions. However, the proposal before me is for a three-bedroom, five bedspace unit on the upper floors which would provide family, or at least family-sized, housing. In the other examples the upper flat proposed was a two-bedroom, three bedspace unit which would be less likely to be used as family housing. I note also that Policy DMP19 of the 2016 Brent Local Plan Development Management Policies Plan ("the DMPP") sets an expectation of 20m² of private amenity space for flats, but 50m² for family housing. Having regard to the differences in the proposals, I do not consider that these other examples are directly comparable to the scheme before me, and they do not weigh in its favour.
12. The Council also expressed concern that the proposed upper flat would not comply with the space standard's requirement in respect of ceiling heights. The submitted drawings and other information were not conclusive, but as I have already found that the flat would not provide acceptable living space, I have not sought further information from the parties on this point, as it could not have altered my overall conclusion.
13. I conclude that the proposed upper flat would offer insufficient internal living space and private external amenity space, and as a result would not provide acceptable living conditions for future occupiers. The proposal would therefore conflict with Policies DMP18 and DMP19 of the DMPP, and with Policy D6 of the 2021 London Plan. Together these policies seek to ensure that residential development is of a high quality and provides adequate internal living space and external private amenity space for residents' needs.

Character and appearance

14. An existing two-storey side extension on the appeal property is, by the Council's calculation, around 7.4m high and set down from the main roof ridge by about 1.4m. The proposed loft conversion would see the ridge height of the side extension raised by around 1.3m, leaving it only around 0.13m below the main ridge. Again, these are the Council's calculations; the appellant suggests that the lower ridge would be just under 0.3m below the main ridge, although it seems likely to me that this has been measured along the roof slope rather than vertically, and so I do not agree with the appellant's suggestion that the

² LPA Ref: 20/0400

³ LPA Ref: 20/01589

Council has “misunderstood the scope of the proposal”. In any case, it would not comply with guidance in the Council’s 2018 Residential Extensions & Alterations Supplementary Planning Document (“the SPD”), which indicates that the ridgeline of a new extension should be set at least 0.5m below the ridgeline of the original house.

15. The purpose of the guidance in the SPD is to ensure that extensions appear “suitably subservient” to the original house. In this case, the existing side extension is set back from the main frontage by a small amount, although less than the SPD would require for a new extension. However, when this setback is taken with the small set down from the main roof ridge, I am satisfied that the roof extension would not be a dominant or intrusive addition to the existing building. It would also result in the replacement of an existing flat roof over part of the side extension with a hipped roof. Although the proposal would therefore not comply with every element of the guidance in the SPD, in this case the extension as a whole would remain proportionate and subservient to the original dwelling, and it would not be unacceptably at odds with the character of the surrounding area.
16. Taking these points together, and notwithstanding the limited conflict with advice in the SPD, I conclude that the proposed roof extension would not cause unacceptable harm to the character and appearance of the area. The proposal would therefore comply with Policy DMP1 of the DMPP, which among other things seeks to ensure that development is of an appropriate scale, siting and design which complements its locality.

Other Matters

17. The Council did not raise any “in principle” objections to the proposal and considered that it would be acceptable in terms of its effects on neighbours’ living conditions, and on highways and parking. I have no reason to take a different view, but that the scheme would be acceptable in these other matters would not outweigh the harm I have found.
18. The appellant’s statement also expressed concern about the way the Council handled the planning application. These matters are not directly related to the planning merits of the proposal and have had no bearing on my determination of the appeal. These matters are dealt with in the separate costs decision related to this appeal.

Planning Balance and Conclusion

19. I have found that the proposal would not harm the character and appearance of the area. However, it would fail to provide adequate internal living space or external private amenity space for the occupiers of the upper flat, and would therefore conflict with the development plan taken as a whole.
20. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector