



Appeal Decision

Site visit made on 22 February 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/T5150/W/21/3279513

31 Craven Park Road, Harlesden, London NW10 8SE

- 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 Mohammed Salman, Onetwo Holding Ltd against the decision of the Council of the London Borough of Brent.
 - The application Ref 20/3505, dated 29 October 2020, was refused by notice dated 25 January 2021.
 - The development proposed is a single storey extension to rear of existing commercial unit to accommodate a self-contained studio flat.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. For the avoidance of doubt, I have taken the site address and description of development in the banner heading above from the planning application form, although I note that they have been expressed slightly differently including on the Council's decision notice.
3. Since the Council determined the application, the London Plan 2021 (LP) was published. The evidence before me includes references to policies of the then emerging LP, but my decision does not turn on these policies and it has not therefore been necessary to refer to them further.
4. The Council's reasons for refusal include references to policies of the draft Brent Local Plan (BLP) which is at an advanced stage, although yet to be adopted. Insofar as they are relevant to the main issues, the policies of the BLP align broadly with the policies of the Core Strategy 2010 (CS) and Development Management Policies 2016 (DMP) which have also been cited, and the main parties have been able to address the requirements of the BLP policies within their evidence. I am therefore satisfied that no prejudice would be caused by my considering the appeal in light of the BLP, and having regard to the stage reached, I give significant weight to its policies.

Main Issues

5. The main issues are:
 - i) the effect of the proposal on the vitality and viability of the Harlesden District Centre;
 - ii) whether or not living conditions for future occupiers of the proposed dwelling would be acceptable with particular regard to privacy, outlook, light and the provision of external amenity space;

- iii) whether or not provision for servicing would be adequate to serve occupiers of the appeal site; and
- iv) the effect of the proposal on the character and appearance of the area.

Reasons

Vitality and Viability

6. The appeal site is located within a secondary frontage of the Harlesden District Centre as defined by the development plan. It includes a three-storey building comprising a commercial unit at ground-floor level which was in use as a shop at the time of my visit, with residential accommodation above.
7. In addition to a rear extension accommodating a flat, the proposal includes alterations to the existing ground-floor layout of the appeal building to provide an access to the commercial unit from the rear, and to provide access to the new flat from Craven Park Road. These alterations would result in a fairly large reduction in the area of storage/office space currently afforded to the commercial unit, and would also reduce the area of the shop floor. The appellant suggests that the reduction in floorspace would be around 7%, but has not provided details to corroborate this figure which is lower than the Council's assessment indicating a loss of around 11sqm from a unit of 57sqm, equivalent to a reduction in floorspace of around 19%.
8. Even if I were to accept the appellant's figure though, Policy BH2 of the BLP qualifies general support for provision of additional homes within town centres with a requirement that development on sites with existing non-residential floorspace re-provides the same amount and use class of non-residential floorspace. Some exceptions to this requirement are specified, including where there is no need for the space or reasonable prospect of its use, or in exceptional circumstances where its loss would be outweighed by the benefits of replacement with residential floorspace. However, I have not been provided with compelling evidence that any of the stated exceptions would apply in this case.
9. Moreover, the Council highlights that the existing unit is already smaller than is typical within the District Centre. The development would result in a somewhat awkward projection into the main shopfloor area around the access to the proposed flat, and would leave very limited storage/office space remaining to support the use. Despite the provision of a 'tea point' and a replacement toilet facility, I am concerned that the practicality of the unit would be likely to be adversely affected by its small size and overall layout, and could make continued retail use unfeasible as a result.
10. In addition, the proposed extension would prevent direct vehicular access to the rear of the commercial unit. I appreciate that there is a loading bay close to the front of the site, but it is shared with other units in the centre such that availability could not be guaranteed for servicing. Relying on this loading bay would also require goods to be brought through the front of the unit. The appellant suggests that this is the preferred arrangement currently, and I note that it may not be an overriding concern for all potential occupiers, but it could nevertheless deter some.
11. In my judgement, these factors in combination would be likely to limit somewhat the attractiveness of the commercial unit to occupiers, and there is no substantive evidence before me to the contrary. I am accordingly unable to

find that the retail function of the ground-floor unit on the site would not be harmed by the proposal, resulting in greater potential for future vacancy and potential loss of the active frontage with consequent detriment to the vitality and viability of the Harlesden District Centre.

12. I therefore conclude on this main issue that the proposal would conflict with Policy DMP2 of the DMP and Policy BH2 of the draft BLP which together broadly seek to support strong centres that meet needs. It would also be contrary to Policy DMP13 of the DMP and Policies DMP1 and BT3 of the draft BLP insofar as they include requirements for satisfactory servicing arrangements for all new development, and resist loss of existing servicing where it is still required to meet operational needs.

Living Conditions

13. The proposed flat would accord with relevant standards within the development plan in terms of the quantum of internal space. However, windows serving the kitchen and main dining/living/sleeping area would face onto the proposed access running between the development and a brick wall and close-boarded fence on the boundary with the rear of 29 Craven Park Road. In my judgement, the very close proximity of the windows to the boundary together with their position partly below the ground-level adjacent to the rear of the building would result in a significant sense of enclosure and would severely compromise light and outlook for these windows.
14. The dwelling would be dual aspect with an additional window to the rear of the extension, but light to and outlook from this window would also be constrained given that it would sit broadly at the height of the adjacent ground level and the provision of external guard railings. A rooflight would provide some additional light but this would only be to part of the space, and it would not offer a source of meaningful outlook. I therefore find that overall levels of both light and outlook would fall significantly short of what could reasonably be expected by occupiers of the dwelling.
15. Furthermore, anyone using the access alongside the windows to the side of the extension would have direct views into the rooms served, and there would also be likely to be views into the rooflight from the fire escape route for the existing flats on the site which would run over the roof of the extension close by. In my view, these relationships would result in a wholly unacceptable lack of privacy for occupiers of the flat.
16. In addition, Policy DMP19 of the DMP and Policy BH13 of the BLP outline requirements for the provision of private amenity space sufficient to satisfy the needs of occupiers. While a garden is shown to the rear of the extension, the suggested storage for bicycles and refuse and recycling would leave only a relatively small space of awkward shape which I consider would be of limited practical use to occupiers. It would also adjoin the service road and access to the rear of the appeal building, and from the evidence before me it is not clear that it would offer private space for occupiers of the site. The appellant has drawn my attention to public open space at Roundwood Park. However, the Council indicate that there would be more than 800m between the dwelling and the entrance to this park, and it would not in any event provide a substitute for external private amenity space for the exclusive enjoyment of occupiers of the dwelling. I appreciate the town centre location, and that the small size of the dwelling means that it is unlikely to be occupied by households with children,

but I do not find these factors provide a compelling justification to set aside the requirements of the development plan.

17. Taking the above factors in combination, I conclude on this main issue that the development would fail to provide adequate standards of privacy, outlook, light and external space for future occupiers of the proposed dwelling resulting in unacceptable living conditions. I therefore find that the proposal would conflict with Policies DMP18 and DMP19 of the DMP as well as Policy BH13 of the BLP which seek generally to ensure residential development of suitable quality, including through provision of sufficient private amenity space.
18. The Council has also raised concern that there would be a loss of external space for the existing flats on the site, but the development would occupy an area of hardstanding that does not currently appear to function as usable amenity space. I do not therefore find there would be detriment to the living conditions of existing occupiers of the site.

Provision for Servicing

19. Current occupiers of the site may prefer to use the nearby loading bay on Craven Park Road for servicing of the ground-floor unit, but this bay serves the wider District Centre. It was fully occupied during the majority of my visit, and while I acknowledge that this was only a snapshot, the appellant has not provided any firm challenge to the Council's evidence that the bay is subject to very high usage, nor that the area is already subject to parking pressure generally. As a result, it seems to me that there would realistically be occasions when the bay would be occupied and unavailable to the appeal site for servicing. On those occasions, I consider that the servicing access to the rear of the appeal site would currently offer a realistic and usable alternative.
20. In reaching this view, I have taken into account the appellant's comments regarding the use and convenience of the servicing to the rear of the site. However, arrangements for vehicular access to this space are similar to on neighbouring sites which I saw were in use, and from the evidence before me and my observations at my visit, I am not persuaded that manoeuvring is so constrained as to be impractical or to prevent use for servicing.
21. The proposal would result in the loss of the potential to service the ground-floor commercial unit from the rear. Having regard to the above and the evidence before me, I agree with the Council that this would increase the likelihood of parking outside of designated areas at times when the loading bay on Craven Park Road was unavailable. This would cause obstruction to pedestrians and other users of the highway, and consequent detriment to highway safety and convenience.
22. I am not therefore satisfied that it has been demonstrated that there would be adequate provision to meet demand for servicing on the appeal site. Accordingly, the proposal would conflict with Policy DMP13 of the DMP which includes a requirement for the provision of servicing facilities in development, and which advises that loss of existing servicing will be resisted where it is required to meet operational needs.

Character and Appearance

23. The extension would project considerably beyond the rear of the appeal building, filling much of the plot. However, I do not consider that the depth of

the development would be conspicuous in the context of the assorted alterations and extensions of varying depth and scale that I observed to the rear of other buildings fronting Craven Park Road in the vicinity of the site. In addition, it would be partly set below the existing ground level, reducing the overall impression of scale and bulk against the host building, and the visual impact of the development on the surrounding area. In my assessment, the scale of the development would not appear unduly dominant, nor would it detract from the character or appearance of the host building or area.

24. I also saw external steps to many nearby buildings, and a mixture of railings and other boundary treatment, including above the roofs of other single-storey projections. Having regard to these existing features of the area, I am satisfied that the extent and siting of guard rails proposed to the edges of the extension roof and along the fire escape route crossing it would not be incongruous or result in undue visual clutter.
25. For these reasons, I conclude on this main issue that the character and appearance of the area would not be unacceptably harmed by the development. In this regard, I find no conflict with Policy CP17 of the CS or Policy DMP1 of the DMP insofar as they generally seek development of appropriate layout, scale and design and the protection of the distinctive suburban character of Brent. The Council has also referred to the Residential Extensions and Alterations Supplementary Planning Document 2 2018, but as this guidance concerns extensions and alterations to existing houses, it seems to me to be of lesser direct relevance to the appeal proposal.

Conclusion

26. The proposal would deliver an additional dwelling in accordance with objectives within the development plan as well as the National Planning Policy Framework seeking generally to significantly boost the supply of housing. However, the contribution to the overall supply of housing, and associated economic and social benefits, would be very limited given the small scale of the development. Moreover, I have found that living conditions for occupiers of the dwelling would be unacceptable which further limits the weight that I afford to the benefit of providing additional housing in this case. Even taken together, I find that the benefits of the proposal would not be sufficient to outweigh the harm to the vitality and viability of the Harlesden District Centre, the failure to provide suitable living conditions for future occupiers of the development and adequate servicing.
27. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR