



Appeal Decision

Site visit made on 25 November 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25th February 2022

Appeal Ref: APP/T5150/W/21/3280220

98 London Road, Wembley HA9 7HG

- 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 Mrs Jasvinder Roopra against the decision of Brent Council.
 - The application Ref 21/1835, dated 17 May 2021, was refused by notice dated 19 July 2021.
 - The development proposed is described as 'Internal renovation and alterations to existing ground floor Flat-A and retro-respective planning for retention of ground floor 3-bedroom residential flat. Reduction of rear dormer to meet original lawful loft extension then internal renovations to second floor to change the top floor into a studio flat. The internal renovations to first floor areas and change premises to 1-bedroom flat. Renovation of front amenity and new soft landscaping to front area plus renovation of rear amenity and changes to outbuilding as cycle storage for ground floor flat. New front cycle storage.'
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on: the character and appearance of the host dwelling and surrounding area; the living conditions of future occupiers with particular regard to floorspace provision, outlook and light; the living conditions of occupiers of No. 100 London Road with particular regards to light; and fire safety.

Preliminary Matters

3. I note that the development is part retrospective and part proposed and I have dealt with the appeal on this basis.
4. The appellant has submitted a revised plan with the appeal with reference HD1285/1006 rev A. However, this was not before the Council at the time it made its decision, and shows an alternative configuration and arrangement to the submitted application plans. For the avoidance of doubt, this decision is made on the basis of the plans which were before the Council when it made its decision.
5. My attention has been drawn to emerging policies of the Council's Draft Local Plan. While the Council's Draft Local Plan has been subject to examination and is at an advanced stage it does not form part of the development plan. I therefore attach limited weight to these emerging policies.

Reasons

Character and Appearance

6. The appeal site comprises a two storey end of terrace dwelling on London Road within a residential area. The proposal seeks to convert the property into three self-contained flats through various works, including alterations to the outbuilding.
7. The outbuilding is in the rear garden of the site and would be retained for use as a cycle store and general storage room. The parties agree that this ancillary use is acceptable, and that the dimensions of the outbuilding comply with the guidance of Brent Residential Extensions and Alterations SPD2, dated January 2018 (SPD2). Based on my observations, I have no reason to disagree. As a result of its scale and positioning, the outbuilding reads as subservient to the dwelling and does not appear as an unduly prominent feature.
8. However, the outbuilding is experienced alongside the appeal property and surrounding dwellings, which are largely made up of red brick and painted render. Against this, the breeze block used in its construction appears out of place, failing to complement the character of the immediate surrounds. Nevertheless, had the proposal been acceptable in all other aspects this could have been adequately addressed by a condition requiring approval of external materials by the Council.
9. For the reasons given above, I find that the proposal would not result in a significant adverse effect on the character and appearance of the host dwelling and surrounding area. As such, it would comply with Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies November 2016 (the DMP), which seeks to ensure good design.

Living Conditions – Future Occupiers

10. Policy DMP18 of the DMP states that the size of dwellings should be consistent with London Plan Table 3.3 Minimum Space Standards for New Dwellings. This has now been superseded by Table 3.1 of the London Plan 2021. The proposal would create three flats at the site. The Council have not raised an issue with the floorspace provision in Flats B or C.
11. While the Officer's Report initially acknowledges Flat A as a 3 bedroom, 4 person bedspace, it subsequently describes it as having 2x2 bedspaces and 1x1 bedspread. Citing the London Plan requirements of 86 sqm G.I.A. for a 3 bedroom, 5 person flat, the Council concludes that the proposed floorspace of 77.9 sqm in Flat A is inadequate.
12. However, as per the submitted plans Flat A would be a 3 bedroom, 4 person bedspace. The plans show single beds in two of the bedrooms which, due to the room size, would likely be incapable of occupation by two people. The London Plan requires a G.I.A. of 74 sqm for such flats. Accordingly, the proposed floorspace provision of a G.I.A. of 77.9 sqm in Flat A would comply with the requirements of the London Plan and of Policy DMP18. The submitted plans demonstrate that this flat would have an appropriate level of floorspace and circulation area to accommodate four occupants without being cramped.
13. With regards to outlook and light it is acknowledged that all habitable rooms in Flat A benefit from windows. However, the single bedroom towards the front of the dwelling has one window which, while sizeable, would face directly onto the wall of the side extension. In addition, although the living area has three

windows, one of these looks onto the 3 storey wall of the dwelling and another faces the nearby flank wall of the neighbouring property at No. 100. Accordingly, both of these habitable rooms feel largely enclosed by nearby walls, leading to a poor and oppressive outlook.

14. For similar reasons, despite their size, the windows facilitate limited daylight reaching these habitable spaces. In addition to the very close presence of built form for both rooms, two of the living room windows are located at the front and back of the kitchen, respectively. This kitchen is set back and not entirely open onto the living space, reducing the amount of light from these windows to reach the main living space, further contributing to a gloomy living environment. As a result of the poor outlook and limited light, enjoyment of these rooms by future residents would be negatively impacted, resulting in an unacceptable standard of living conditions.
15. While I have found that an adequate level of floorspace would be provided, for the reasons given above I find that the proposal would result in a significant adverse effect on the living conditions of future occupiers, with regards to outlook and light. As such, it would fail to comply with Policy D6 of the London Plan 2021, which seeks to ensure adequate living conditions.

Living Conditions – No. 100 London Road

16. SPD2 states that extensions which infill the side return between a two storey outrigger and the boundary should be no higher than 2.0 metres in height on the boundary in order to protect neighbour amenity. The Council states that the single storey side return extension adjacent to the side boundary with No. 100 London Road measures 3 metres in height, contrary to SPD2. This has not been contested by the appellant.
17. While the SPD measurements represent guidance rather than policy, it remains that the side return extension represents a sizeable element of solid built form close to the elevation of No. 100 and the windows present. As such, due to its mass and positioning the extension would significantly obstruct the light reaching these side elevation rooms at No. 100, increasing the time during which they would be in shadow.
18. However, it is unclear whether these are habitable rooms, such that there would be a significant impact on the living conditions of occupiers. This was not immediately apparent from my site visit and while the appellant refers to an updated plan in this regard, this has not been provided. Had the proposal been acceptable in all other respects I would have requested additional information about this. However, on the basis of the information that is before me, I cannot conclude that there would not be an adverse impact on the living conditions of the occupiers of No. 100 London Road.
19. For the reasons given above, there is insufficient information for me to be able to conclude that the proposal would appropriately protect the living conditions of the occupiers of No. 100 London Road with regards to light. As such, it would fail to comply with Policy D6 of the London Plan 2021, which seeks to ensure adequate living conditions.

Fire Safety

20. Policy D12A of the London Plan 2021 requires proposal to achieve a high standard of fire safety, including the provision of features to reduce risk and

an evacuation strategy. Such information was not provided with the original application.

21. While the appellant has provided an updated plan with the appeal documents, this does not fully address the requirements of Policy D12A. In any event, it represents a different layout to that presented to the Council with the application documents and as such I attach no weight to this plan. Had the proposal been acceptable in all other respects I could have requested additional information about this matter. However, on the basis of the information that is before me I have insufficient information to undertake any meaningful assessment of the likely impact of the proposal on fire safety.
22. For the reasons given above, I find that the proposal would not comply with Policy D12A of the London Plan 2021, which seeks to ensure that proposals achieve the highest standards of fire safety.

Conclusion

23. I have found that proposal would not cause harm to the character and appearance of the host dwelling or surrounding area, or to the living conditions of future occupiers with regards to floorspace provision. However, this does not outweigh the other significant harm identified to the living conditions of future occupiers with regards to light and outlook. I have also found that insufficient information has been provided in respect of the impact of the proposal on fire safety and the living conditions of neighbouring occupiers at No. 100 with regards to light.
24. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR