



Appeal Decision

Site visit made on 14 February 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 March 2022

Appeal Ref: APP/T5150/W/21/3282527

27 Gowan Road, London NW10 2SH

- 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 M Ali against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/0705, dated 26 February 2021, was refused by notice dated 5 July 2021.
 - The development proposed is described on the application form as 'proposed part single and part two storey rear extension, loft conversion and conversion of house into two self-contained flats comprising 1x3 bedrooms and 1x2 bedrooms'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted an amended drawing which shows alterations to the internal layout of the proposal, intended to overcome the reason for refusal. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the Wheatcroft Principles and the interests of fairness. I have therefore determined the appeal on the basis of the plans that were before the Council when it made its decision and on which parties were consulted.
3. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). The main parties had the opportunity to comment on the relevance of this to the appeal and I have had regard to the revised Framework in my decision.

Main Issue

4. The main issue is whether the development proposed would provide for a satisfactory standard of accommodation for future occupiers, with particular regard to internal space and external amenity space.

Reasons

5. The appeal property is a two storey mid terraced dwelling containing four bedrooms and includes a two storey extension to the rear. It is served by a private rear garden. Due to the angled building line of the terrace the footprint of the appeal property tapers such that the rear of the building is wider than the front. The surrounding area is predominantly residential and is

characterised by two storey terraced properties which generally have small front gardens and larger rear gardens.

6. The appeal proposal is for the subdivision of the building, together with a part single storey, part two storey rear extension, rear dormer extension and loft conversion to create two self-contained flats. Flat 1 would be situated at ground floor and part of the first floor level and would contain three bedrooms, whilst Flat 2 would be on the first floor and within the loft space and would provide two bedrooms.
7. The Council has assessed Flat 1 as being capable of occupation by up to six people. The appellant disputes this and submits that the accommodation would provide for up to five people. Policy D6 of the London Plan (2021) (LP) requires 102sq.m for a three bedroom, six person unit. Flat 1 would provide 96 sq.m and would therefore be close to the minimum floorspace requirement for this type of unit as set out in Policy D6 of the LP. Alternatively, if Flat 1 is considered a three bedroom, five person unit, then it would exceed the required minimum floorspace for that unit type. However, ensuring acceptable living conditions for future occupiers goes beyond meeting minimum floorspace thresholds.
8. The existing ground floor bedroom would be divided by a new internal wall to create a smaller bedroom at the front and a kitchen/dining room at the rear. The latter would be served by an internal window and would have an unsatisfactory outlook. It is unlikely that the level of daylight penetrating from the rear living room would be sufficient to provide an acceptable level of light to the kitchen/dining room. This would result in an oppressive living environment in the kitchen/dining room, with future occupants being largely reliant on artificial light, which would be harmful to their living conditions.
9. It is reasonable to expect that a not insignificant proportion of the occupiers' day would be spent within the kitchen/dining room. Although the other living areas of both flats would be afforded adequate outlook and light, this does not justify allowing sub-standard living accommodation within the kitchen/dining room of Flat 1, by reason of poor outlook and limited natural light.
10. Policy DMP19 of the London Borough of Brent Local Plan Development Management Policies (2016) (DMP) requires all new dwellings to have external private amenity space of sufficient size and type. This is normally expected to be 20sq.m per flat and 50sq.m for family housing (including ground floor flats).
11. Flat 1 would be served by the existing rear garden which is around 48sq.m. Whilst this would be slightly below the required 50sq.m set out in Policy DMP19, in my view it would be adequate for the likely number of occupiers of this unit. However, Flat 2 would not have access to any private external space. Consequently, the proposal would not provide sufficient external amenity space for the future occupiers of Flat 2, to the detriment of their living conditions. Although Roundwood Park and other areas of public open space are relatively close, these are not private spaces and therefore would not provide sufficient mitigation for the inadequacy of private external amenity space at the appeal site.
12. For these reasons, having regard to the internal space and external amenity space proposed, I consider that the proposal would not provide for a satisfactory standard of accommodation for future occupiers. The proposal

would therefore conflict with DMP Policies DMP1, DMP18 and DMP19 which require, amongst other things, that development provides high levels of internal and external amenity.

Other Matters

13. The appellant considers that insufficient weight has been given to the standard of accommodation within the existing dwelling and that the proposed layout would be an improvement on the existing arrangements. However, there is no substantive evidence before me to indicate that the appeal proposal is the only means of achieving improvements to the layout of the building. The development would offer potential benefits in terms of providing an additional unit of accommodation in a sustainable location. It would also have economic benefits through employment opportunities created during the construction phase, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited and individually or cumulatively they do not outweigh the harm I have identified.

Conclusion

14. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR