



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: 16 March 2022

Appeal Ref: APP/T5150/W/21/3285061

1A Evelyn Avenue, London NW9 0JF

- 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 Gohil against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2012, dated 28 May 2021, was refused by notice dated 23 July 2021.
 - The development proposed is double storey side extension and single storey wrap around extension on ground floor rear to facilitate the conversion of 4-bedroom dwelling house into two self-contained flats (1 x 3-bed and 1 x 2-bed).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council determined the application, the Brent Local Plan 2019-2041 (BLP) was adopted by the Council on 24 February 2022, and documents including the Development Management Policies 2016 cited in the reasons for refusal were revoked. The main parties were given the opportunity to comment on any implications of the change in policy, and I have taken the representations received into account. I am therefore satisfied that no prejudice would be caused by my determination of the appeal giving full weight to the policies of the BLP, and I make no further reference to the now superseded parts of the development plan.
3. As part of the appeal, the appellant has submitted revised plans which were not before the Council when it determined the application. The revised plans include amendments to the roof of the proposed side extension, and to the internal layout of the building. The Council has been able to comment on these plans as part of the appeal process, and I do not consider that the minor changes would materially alter the nature of the scheme or result in prejudice to any party. In these circumstances, I am satisfied that there would be no conflict with the 'Wheatcroft principles'¹, and I have taken the amended plans into consideration.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the host building and area;

¹ Bernard Wheatcroft Ltd v SSE [1982] JPL P37

- ii) the effect of the proposal on pedestrian and highway safety; and
- iii) whether or not living conditions for future occupiers of the ground-floor flat would be acceptable with particular regard to the provision of internal space.

Reasons

Character and Appearance

5. The appeal site includes a semi-detached dwelling at the junction of Evelyn Avenue and Grove Park. Evelyn Avenue and the south side of Grove Park as it runs to the west of Evelyn Avenue are generally characterised by terraced and semi-detached dwellings of similar designs which are arranged on strong building lines. Varied flatted blocks add more diversity to other sections of Grove Park near to the appeal site, but the consistent designs of the individual blocks and the common flat roof forms nevertheless provide for a sense of overall design coherence within the street scene.
6. From the evidence before me and my site visit, I am satisfied that the proposed single-storey extension and rooflights would be sympathetic to the host building and surrounding area. However, I agree with the Council that the originally proposed roof to the two-storey side extension would be awkward against the existing roof to the appeal building given its contrasting slope angle, and would as a consequence cause unacceptable detriment to the character of the host building and area.
7. The amended plans submitted with the appeal propose that the roof to the extension would match the pitch and plane of the host building, but the resulting roof would be higher, and would no longer be set 0.5m below the main ridgeline as required by the Residential Extensions and Alterations Supplementary Planning Document 2 2018. While the extension would be set back from the front of the dwelling and set in from the boundary, I find that it would lack subservience and would appear somewhat disproportionate to the host building as a result. Moreover, the eaves to the extension would also be set lower than those of the existing dwelling. This would be visually jarring, and I find that it would result in a discordant relationship between the extension and the host building.
8. The development would be clearly visible, including on Evelyn Avenue and for some distance in views on the approaches to the site along Grove Park. In these views, I consider that the above factors would result in an uncharacteristic and incongruous feature which would relate poorly to the host building, and which would detract conspicuously from the character and appearance of the area.
9. The appellant asserts that it would be impracticable and not geometrically possible for the extension roof to match both the pitch and eaves height of the existing roof. That may be the case for an extension of the depth proposed, but is not in my view a compelling justification to allow development that would harm the character and appearance of the appeal property and area.
10. For these reasons, I conclude on this main issue that the development would cause unacceptable harm to the character and appearance of both the host building and area. Accordingly, it would conflict with Policies DMP1 and BD1 of

the BLP which require, amongst other things, high quality design and development that complements the locality.

Highway Safety

11. The proposal includes alterations to the frontage of the appeal site to create a parking space accessed from Evelyn Avenue. The submitted plans do not illustrate vehicular access to the space. However, the layout within the site and the position of an adjacent crossover to the front of 2A Evelyn Avenue would be likely to result in a crossover of significant width. In my view, the width of the footway affected would materially increase the potential for conflict with pedestrians and other highway users to the detriment of pedestrian and highway safety.
12. Given the location of the site on the corner of Evelyn Avenue and Grove Park, I am concerned that any alterations to the layout and position of the vehicular access could give rise to potential for conflict with other highway users around this junction. From the evidence before me, I cannot be certain that it would be possible to achieve a safe access arrangement, and I am not therefore satisfied that it would in this case be appropriate to defer consideration of this matter to a planning condition as the appellant has proposed.
13. I have also noted the appellant's comments that planning permission would not be required for a crossover to serve the existing dwelling on the site, but there is nothing substantive before me to indicate that permission is not required for this scheme. Moreover, approval would still be required from the Highway Authority. In the absence of formal confirmation that such approval would be forthcoming, this is not a matter which leads me to alter my findings in respect of the appeal proposal.
14. For these reasons, I find that the proposal would cause unacceptable harm to pedestrian and highway safety, and it would therefore conflict with Policy BT4 of the BLP insofar as it includes a requirement that a proposed access would be safe.

Living Conditions

15. In determining the application, the Council considered the proposed ground floor-flat to be a 3 bedroom, 5 person dwelling for which Policy D6 of the London Plan 2021 (LP) outlines a requirement for a minimum internal area of 86sqm. However, the appellant advises that the flat would be a 3 bedroom, 4 person dwelling, and the plans submitted with the appeal indicate that the flat would have one room containing a double bed and 2 single rooms. The floor area of both single rooms would be below the minimum of 11.5sqm specified by Policy D6 for a double room. I therefore consider it is reasonable to assess the flat as a 3 bedroom, 4 person dwelling, and its internal area of 79sqm would exceed the minimum specified by Policy D6 which requires an area of 74sqm for a dwelling of this size.
16. Policy D6 also includes a requirement for a minimum floor to ceiling height of 2.5m for at least 75% of the internal area of a dwelling. The development would not achieve this standard. However, this is also the case for the existing dwelling, and the submitted sections indicate that the rooms would generally be at least 2.4m in height. The development would comply with the Nationally Described Space Standards which require a minimum floor to ceiling height

of 2.3m for at least 75% of the internal area of a dwelling, and based on my observations at my visit and the circumstances of the development proposed, I am satisfied that the space provided would in this case be of suitable quality.

17. Having regard to the above, I find that there would be adequate provision of internal space, and I conclude on this main issue that living conditions for future occupiers of the ground floor flat would be acceptable. The development would be in general accordance with Policy D6 of the LP insofar as it broadly seeks high quality housing including through ensuring homes that are of adequate size and fit for purpose.

Other Matters

18. The Council's fourth reason for refusal cites the failure to provide sufficiently secure, weatherproof cycle storage. However, storage for 4 cycles is indicated to the side of the appeal building, and there is no compelling evidence before me that suitable secure and weatherproof storage could not be secured by a planning condition to accord with the requirements of Policy T5 of the LP. I do not therefore consider that this matter solely warrants refusal.
19. I appreciate that the appellant has sought to evolve the scheme to address the Council's concerns, but I must consider the appeal proposal on its own merits on the basis of the evidence before me, and this is not a matter which leads me to alter my findings on the main issues.

Planning Balance and Conclusion

20. The proposal would make effective use of the site to deliver an additional dwelling, contributing to targets for the provision of new housing in the borough. However, the contribution would be limited by the small scale of the development, and I do not consider that the very modest benefits of the proposal would outweigh the harm that would be caused to the character and appearance of the area and to pedestrian and highway safety.
21. 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