



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/21/3281369

2 Roe Green, London NW9 0NY

- 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 Mohammad Khawaja against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1029, dated 22 March 2021, was refused by notice dated 6 July 2021.
 - The development proposed is construction of new single family 2bed dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form. The Council's decision notice gives an amended description of 'demolition of garage and erection of a semi-detached two storey dwellinghouse, installation of vehicular access and provision for car parking, cycle and bin storage', but neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Since the appeal was submitted, the Brent Local Plan 2019-2041 (BLP) was adopted by the Council on 24 February 2022, and policies of the Core Strategy 2010 and Development Management Policies 2016 were superseded. The main parties were given the opportunity to make representations on any implications of the change in policy, and I am therefore satisfied that no party would be unfairly prejudiced by my determination of the appeal giving full weight to the policies of the BLP. I make no further reference to the now superseded parts of the development plan.

Main Issues

4. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to light and outlook, and the provision of internal space, external amenity space and accessible accommodation;
 - iii) the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to privacy, and to the provision of external amenity space for 2 Roe Green; and

- iv) whether or not the development would provide adequate standards of fire safety.

Reasons

Character and Appearance

5. The appeal site is adjacent to a three-storey building at the corner of Roe Green and Kingsbury Road comprising commercial units with residential accommodation above. The majority of other buildings on Roe Green close to the appeal site are semi-detached dwellings which are positioned at fairly regular intervals on strong building lines fronting the street, with relatively long gardens to their rear which are appreciable in gaps between buildings. Together with the similar designs of the dwellings including generally hipped roof forms and common features such as two-storey front bays beneath gable projections, this results in a distinctive rhythm and sense of uniformity to the street scene.
6. The appeal proposes an attached dwelling to the side of 2 Roe Green. The dwelling would be set slightly back from No 2 and would have a stepped footprint, with a section of reduced depth and height furthest from this neighbour. The eaves and roof to the dwelling would be below those of No 2 and would step down, but this would reflect the land levels which reduce generally towards Kingsbury Road and would not in my view be unduly conspicuous.
7. However, the appeal site is of broadly triangular shape with an angled rear boundary. The dwelling would be very close to this boundary, with only minimal separation to the rear corners of both sections of the building. Gaps to the side of many nearby buildings are often fairly limited, and I acknowledge that the dwelling would be set back from Roe Green and that the site extends beyond the side of the dwelling for some width along the street frontage. Even so, the space between the side of the dwelling and the boundary would be less generous, and would not in my view compensate for the unusually limited spacing to the rear of the building. The tight proximity of the dwelling to its boundaries would be readily apparent from the street scene, and would be significantly at odds with the more generous spacing afforded to the rear of other dwellings nearby. I find as a consequence that the dwelling would appear cramped within the site, and that it would be deprived of a proper setting.
8. In addition, the development would be of plainer appearance in comparison to neighbouring two-storey dwellings, lacking design elements such as a curved bay or projecting front gable which are typical. It would as a result stand out in the street scene, further compounding the uncharacteristic nature of the development within its surroundings.
9. The Council is also concerned that sections of render to the exterior of the dwelling would discolour over time. The appellant indicates that they would be happy to accept a planning condition requiring an alternative finish, but even if I were to find that the external materials were acceptable, this would not overcome the harm that would result from the layout and overall appearance of the development.
10. For these reasons, I conclude on this main issue that the dwelling would be an incongruous and poorly integrated addition to the area, and that it would cause

unacceptable harm to the character and appearance of its surroundings. As a consequence, it would conflict with Policy BD1 of the BLP which broadly seeks high quality design and development that respects and complements local character. It would also be contrary to guidance within the Design Guide Supplementary Planning Document 1 2018 (SPD1) seeking development that responds positively to local context.

Living Conditions – Future Occupiers

11. The internal area of the proposed dwelling would meet minimum standards for a 2 bedroom, 3 person dwelling under the terms of Policy D6 of the London Plan 2021 (LP), but there would be a shortfall of around 7sqm against the minimum standard for a 2 bedroom 4 person dwelling. The appellant comments that double beds illustrated on the submitted floor plans could be used by single people. Be that as it may, the bedrooms would each exceed the minimum area of 11.5sqm required under Policy D6 for a double bedroom, and it would not be possible to control whether the dwelling was occupied as a 3 or 4 person property.
12. In themselves, the bedrooms would be of suitable size, and I note the open plan layout to the ground-floor which includes space for sitting and dining. Nevertheless, the kitchen space would be relatively small, and the appellant acknowledges that the dwelling would be likely to be sparsely furnished. The practicality and use of the spaces would be constrained as a result, and given the extent in the overall shortfall in area, I am not satisfied that there would be adequate internal space to accommodate a range of varied domestic activities likely to be necessary to serve a 4 person dwelling.
13. In addition, separation between windows to the kitchen/dining/living space at the rear of the dwelling and the boundary of the site would be very limited. Fencing or other boundary treatment of sufficient height necessary to provide privacy for future occupiers of the dwelling and neighbouring properties so close to these windows would substantially obscure outlook from them. Levels of natural light would also be likely to be noticeably restricted by the proximity of the windows to the boundary, and there is no objective evidence before me to substantiate the appellant's assertion that the room would receive ample light. Despite other windows to the front and side of the dwelling, I consider that this would detract from the quality of the dwelling's internal environment with further detriment to the living conditions of future occupiers.
14. I am also concerned that the ability of the development to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' as required by Policy D7 of the LP could be hindered by the shortfall in internal space. There is no substantive evidence to demonstrate that this standard could be met, and I am therefore unable to conclude that the dwelling would satisfactorily contribute to providing accessible and adaptable housing suitable for occupiers with differing needs.
15. Moreover, Policy BH13 of the BLP indicates that 20sqm external private amenity space would be required to serve the proposed dwelling. Although the evidence before me does not clearly demonstrate how external space on the site would be allocated between the existing and proposed dwellings, I consider having regard to the available space that it is unlikely the standards within Policy BH13 could be met. Even if external space would meet quantitative requirements though, the very limited size and irregular shape of spaces to the

side and rear of the proposed dwelling would severely restrict their functionality and there would be a pronounced impression of enclosure. These factors would so severely constrain the attractiveness and usability of these spaces that I consider it would not reasonably satisfy the needs of future occupiers.

16. There would be additional space to the front of the dwelling, but the proximity to the street and potential public views across this part of the site mean that it would not offer private space. The Council comment that a revised plan to omit space to the front of the dwelling would have been sought if the development were otherwise acceptable, and the appellant advises they would be willing to accept a condition to provide more details of amenity space. However, this would not overcome my concerns regarding the quality of the remaining space.
17. I acknowledge that the site is opposite Roe Green Park, but even if I were to agree with the Council that this would mitigate the lack of suitable on-site external space, I find that this factor in combination with the shortfall in internal space and inadequate outlook and light mean that the overall standard of accommodation offered by the dwelling would be poor.
18. For these reasons, I conclude on this main issue that the proposal would fail to provide acceptable living conditions for future occupiers of the development with particular regard to light and outlook, and the provision of internal space, external amenity space and accessible accommodation. Accordingly, the proposal would conflict with Policies D6 and D7 of the LP and Policy BH13 of the BLP insofar as they together broadly seek high quality and adaptable housing including through ensuring that homes are of adequate size and fit for purpose.

Living Conditions – Neighbouring Occupiers

19. From the evidence before me and my observations at my visit, I also consider it unlikely that the development would retain at least 50sqm external amenity space to serve 2 Roe Green as would be sought by Policy BH13 of the BLP. Furthermore, the shape of the site which narrows sharply to a point at the rear of No 2 further reduces the functionality of the available space to accommodate a range of activities. In my judgement, the overall size and layout of space that could be retained to serve No 2 would therefore be inadequate to meet the needs of occupiers of this dwelling.
20. In addition, I note that SPD1 advises that development should not preclude or compromise future development nearby and should not normally rely on adjoining sites for light and outlook. While I cannot be certain that future development will come forward adjacent to the appeal site, the development includes windows to habitable rooms less than 9m from the site boundary. This would be contrary to guidance on minimum separation distances within SPD1, and given that outlook from the windows would therefore be largely onto neighbouring sites, I find that the development could as a consequence cause detrimental overlooking to future neighbouring occupiers.
21. I therefore conclude on this main issue that the proposal would cause unacceptable harm to the living conditions to neighbouring occupiers of the site through loss of privacy, and the failure to maintain adequate external amenity space for 2 Roe Green contrary to Policy BH13 of the BLP and SPD1.

Fire Safety

22. Part A of Policy D12 of the LP sets out that all development proposals must achieve the highest standards of fire safety, taking into account factors which include fire risk reduction, fire escape and evacuation and provision for firefighting. While Part B of the policy requires submission of a Fire Statement as part of major development proposals, this is not a requirement for minor development such as the appeal proposal.
23. From the evidence before me and having regard to the scale and nature of the development, I can see no reason that submission, approval and implementation of a satisfactory fire strategy to address the requirements of LP Policy D12 could not be secured by means of a planning condition. I therefore conclude on this main issue that subject to a condition, there would be adequate standards of fire safety and I find no conflict with Policy D12 of the LP.

Other Matters

24. I note that the appellant engaged in pre application discussions with the Council and has sought to respond to the advice received. However, this is not a matter which alters my findings on the planning merits of the proposal.
25. The appellant comments that the site has been subject to dumping, but there would remain a fairly large area to the front corner of the site, and there is little to show that the development would prevent future dumping on this area so as to represent a clear benefit. Nor is there substantive evidence before me to demonstrate that this issue could not be resolved by any alternative means. The weight that I afford to this factor is therefore limited.
26. 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 in a moderately accessible location with access to some local services and public transport. 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 the living conditions of neighbouring and future occupiers.

Conclusion

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