



Appeal Decision

Site visits made on 28 July 2020 and 14 June 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2022

Appeal Ref: APP/T5150/W/20/3248977

184 Woodcock Hill, Harrow HA3 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 the Executors of the estate of Mr Paresh Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2911, dated 3 July 2019, was refused by notice dated 20 December 2019.
 - The development proposed is conversion of existing dwelling into dwelling house with studio.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application and appeal were made by Mr Paresh Patel. However, the appeal is proceeding in the name of the Executors of the estate of Mr Paresh Patel following the receipt of a certificate granted for probate of the estate. I see no reason why any party would be prejudiced by my considering the appeal on this basis.
3. I carried out an initial visit to the appeal site on an 'access required' basis in July 2020. The appeal was subsequently held in a fairly lengthy period of abeyance until the grant of probate was confirmed, and I therefore carried out a further unaccompanied site visit in June 2022.
4. In addition, it is incumbent on me to determine the appeal in light of the development plan as it exists at the time of my decision. Since the determination of the planning application, the Brent Local Plan 2022 (BLP) has been adopted, superseding policies of the Development Management Policies 2016 and Core Strategy 2010 which were referred to in the reasons for refusal. The London Plan 2021 (LP) and a revised National Planning Policy Framework (the Framework) have also been published. The main parties were given the opportunity to comment on any material changes that may have occurred since the appeal was placed into abeyance that they considered to be relevant to my determination of the appeal, including any changes in policy. I am therefore satisfied that no prejudice would be caused by my determination of the appeal giving full weight to the policies of the LP and BLP and in light of the Framework, and I make no further reference to the previous iterations.
5. I saw at my initial visit that part of the ground floor of the appeal dwelling had been divided internally to form a separate studio flat, and the building included

rooflights and a rear dormer. Nevertheless, and for the avoidance of doubt, I have determined the appeal on the basis of the development shown on the submitted plans.

6. The description of development in the banner heading above is taken from the planning application form. However, the Council's decision notice describes the proposal as 'proposed conversion of dwellinghouse into 2 self-contained flats, including the enlargement of existing vehicular crossover, provision for car and cycle parking spaces, bin store, sub-division of the rear garden and retention of rear dormer with 3x rooflights'. This description has also been used by the appellant on the appeal form, and apart from 'retention' which is not an act of development, I consider it a generally more accurate description of the proposal. I have therefore considered the appeal on this basis.

Main Issues

7. The main issues are:
 - i) the effect of the proposal on the character and appearance of the host building and area;
 - ii) whether or not the proposal would provide acceptable living conditions for occupiers of the studio flat with particular regard to its size internally; and
 - iii) the effect of the proposal on pedestrian and highway safety.

Reasons

Character and Appearance

8. The appeal site includes a semi-detached bungalow located close to the junction of Woodcock Dell Avenue with Woodcock Hill. Near to the site, these streets are generally characterised by a mixture of semi-detached and detached bungalows and two-storey dwellings which are typically arranged on strong building lines set back from the street. Many of the bungalows have rooflights and dormers of varying scales and designs which are visible from the street scene, and while the frontages to some dwellings near to the site include areas of soft landscaping, I saw that many are predominantly hardsurfacing providing for parking, including the attached neighbour at 182 Woodcock Hill.
9. Guidance on roof alterations including dormers is provided within the Residential Extensions and Alterations Supplementary Planning Document 2 2018 (SPD2). The proposed dormer is fairly wide, but the SPD indicates that dormers may fill the width of the original roof plane outside of conservation areas. The set back of the dormer from the eaves at the rear of the roof is also fairly small, but is nonetheless apparent, and any shortfall from the 0.5m generally sought by the SPD would be fairly minor. Furthermore and despite the Council's assertion to the contrary, there is a noticeable set down between the ridge and the dormer. In this context, there is a clear distinction between the dormer and the host roofslope and I do not find that it appears excessive or disproportionate.
10. I recognise that the dormer is of unusual shape with a sloping roof to the side closest to 37 Woodcock Dell Avenue. However, the angle of the sloping section reflects the pitch of the host roofslope. As a consequence, it does not appear awkward or uncomfortable against the appeal building. Additionally, the dormer is of similar design to the existing dormer to No 182, but with a greater set back from the eaves and set down from the ridge which reduce its visual

impact in comparison to the host roofslope. For these reasons, I find that the dormer is a sympathetic addition which does not detract harmfully from the character or appearance of the appeal building.

11. The siting of the dormer and neighbouring buildings further means that it is not readily visible from Woodcock Hill, and the effect on this street scene is accordingly limited. While it is visible in gaps between some buildings on Woodcock Dell Avenue, views are not at close range and the dormer is in any case seen against the similar but larger dormer to No 182 and others further along Woodcock Hill, as well as the more substantial mass of the roof to No 37. In this context, the dormer does not appear incongruous or out of keeping, and integrates well with the character and appearance of the surrounding area.
12. The alterations proposed to the frontage of the appeal site would not deliver the balance of soft landscaping, nor a front boundary wall, generally sought by SPD2. Nevertheless, SPD2 is guidance, and is not an unequivocal indication of harm. The soft landscaping to the boundaries at either sides of the site would be additional, increasing provision in comparison to the existing situation. In addition, the extent of hardsurfacing would be comparable to other nearby sites. As a result, it would not be unsympathetic in the street scene or result in adverse visual impacts. Furthermore, the proposed semi-permeable surfacing together with the areas of soft landscaping would reduce surface water runoff from the site. In these ways, I consider that the development offers an enhancement over the existing situation. Notwithstanding the fairly small proportion of soft landscaping and lack of a boundary wall, the development would not therefore result in adverse visual impacts or increased surface water run off that Policy BT2 of the BLP indicates would require offsetting by adequate soft landscaping (suggested as 50% coverage in the case of front gardens), permeable surfaces, boundary treatment and other treatments.
13. For these reasons, I conclude on this main issue that the proposal would not result in unacceptable harm to the character or appearance of the host building or area. In this regard, I find no conflict with Policies DMP1 or BT2 of the BLP insofar as they broadly seek development that complements the locality and require that parking provision does not impact negatively on the environment.

Living Conditions

14. The appellant considers that the Government's Technical Housing Standards - Nationally Described Space Standard (NDSS) do not apply to studio flats. However, only a very short extract of the appeal decision¹ cited in support of this assumption is provided. I therefore have little context for this statement which significantly limits the weight that I can give it, and I have accordingly drawn my own conclusions according to the evidence before me.
15. The NDSS refers to dwellings by the number of bedrooms, and I accept that the studio flat does not provide for a separate bedroom. However, the internal areas are specified with regard to the number of bedspaces (persons). The studio flat would provide bedspace for at least 1 person, and in my view, the minimum internal area of 39sqm for a single storey 1 bedroom 1 person dwelling with a bathroom suggested by the NDSS offers a reasonable indication of the internal area likely to be sufficient to meet occupiers' needs.

¹ Appeal reference APP/Z1775/C/16/3151969 & APP/Z1775/W/16/3150544

16. The appellant has not disputed the Council's assertion that the proposed studio flat would have a floorspace of 37.4sqm, and it would not therefore meet the NDSS minimum for a 1 person dwelling. However, I have not been directed to a development plan policy which requires adherence to the NDSS, and therefore I do not consider this factor in itself to be determinative.
17. Nevertheless, Policy DMP1 of the BLP includes a requirement that development provides high levels of internal amenity. I saw at my visit that the 'L-shaped' layout of the flat with a kitchen area provided within a narrower section towards the front of the building allows for a degree of distinction separating it from the main living accommodation and sleeping space to the rear. I also saw that a large window affords the main living space access to light and outlook onto the rear garden, and that there is a further window to the side of the flat. Even so, the space standards outlined by the NDSS are intended to ensure sufficient space to accommodate furniture, storage and circulation, and while I appreciate that the shortfall would be small, I am not satisfied that the dwelling would offer adequate space to accommodate a range of day-to-day activities so as to offer suitably high quality accommodation for occupiers.
18. The internal space would be complemented by the garden directly to the rear which would exceed the area required by BLP Policy BH13. Even so, BLP Policy DMP1 refers to external space provision/external amenity alongside internal provision, and given the likely different roles of these spaces, I am not persuaded that the availability of outdoor space would be sufficient to compensate for the shortfall in internal space.
19. I therefore conclude on this main issue that the proposal would fail to provide suitably high quality living conditions for future occupiers of the development with particular regard to the provision of internal space. In this regard, it would be contrary to Policy DMP1 of the BLP.

Pedestrian and Highway Safety

20. The proposal includes resurfacing of the frontage of the appeal site in semi-permeable paving to provide for parking for 4 vehicles, and alterations to increase the width of the existing vehicular crossover from Woodcock Hill.
21. The Council's officer report on the application states that a crossover 10m wide would be significantly wider than the maximum allowable width, and would be contrary to guidance within the Domestic Vehicle Footway Crossover Policy 2013 (DVFCP). However, the submitted plans indicate that the crossover would be widened to 4.2m. This would comply with the DVFCP guidance, and from the evidence before me, I see no reason that this width of crossover would be likely to cause detriment to the safe passage of pedestrians or vehicular traffic past the site so as to conflict with the objectives stated within the DVFCP.
22. Nevertheless, the crossover would be located towards the boundary with No 37. Given the indicated layout with parking spaces arranged perpendicular to the highway and the depth of the frontage, it seems to me that vehicles parked in the 2 spaces closest to the crossover would be likely to obstruct access to or from the remaining 2 spaces closer to the boundary with No 182, making access to these spaces via the crossover difficult, if not impossible. While the frontage of the site may already have been used for parking, the proposal would result in occupation of the site by 2 households who would require independent access to parking. I consider that there would

consequently be a greater risk of vehicles seeking to cross the footway and grass verge to access the spaces closest to No 182.

23. Such manoeuvres would pose a risk to pedestrians, and would conflict with guidance within the DVFCP, and I conclude that the proposal would cause unacceptable harm to pedestrian and highway safety. It would therefore be contrary to Policy BT4 of the BLP which seeks to ensure that any proposals for an access to a highway or increased use of an existing access would be safe.
24. I further note that the appeal site is within an area of PTAL 0 which is the worst output level for public transport accessibility. The poor access to public transport could increase reliance on private vehicles by occupiers of the site, exacerbating the harm that I have identified to pedestrian and highway safety. The proposal would additionally conflict with Policy BH11 of the BLP which includes a requirement that proposals involving conversion of family sized dwellings to two or more dwellings are within an area of PTAL 3 or above.

Other Matters

25. The Council's officer report and policy update suggest that there would be a loss of privacy for occupiers of No 37. No explanation is given for reaching this view, and it does not form a reason for refusal on the decision notice. It is not therefore clear whether or not these comments are an error. However, the windows to the side of the appeal building are at ground floor level, and I am satisfied that the boundary treatment would be sufficient to prevent unacceptable overlooking. Having regard to its height and the relationship with No 37, I am also satisfied that the side rooflight facing this neighbour would not result in a harmful loss of privacy, and that there would not be an unacceptable impression of enclosure.
26. The Council has also commented that specific information demonstrating urban greening factor, biodiversity net gain, provision for surface water management and flood risk mitigation and to address fire safety as now sought by Policies BH4, BGI1, BSUI3 and BSUI4 of the BLP and Policy D12 of the LP has not been provided. However, given that I am dismissing the appeal for other reasons, it is not necessary for me to consider these matters further as they could not alter my decision.

Planning Balance

27. The proposal would make effective use of the site to deliver an additional dwelling within an existing built-up area with access to local services and public transport. The proposal could accommodate a small household, and would accord with the Framework which identifies an objective to significantly boost the supply and mix of housing, and which indicates that development of windfall sites should be supported, giving great weight to the benefits of using suitable sites within existing settlements for homes. However, the contribution made to the mix and supply of housing would be limited by the small scale of the proposal. I have also found that the studio flat would not offer suitably high quality accommodation for occupiers. These factors limit the weight that I give to the benefit of the additional dwelling.
28. In my judgement, the modest benefits of the proposal would not be sufficient to outweigh the harm that would be caused to pedestrian and highway safety

and to the quality of life of occupiers of the studio flat, nor the resulting conflict with the development plan.

Conclusion

29. 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