
Appeal Decision

Site visit made on 7 June 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2022

Appeal Ref: APP/T5150/W/21/3289633

41 Tanfield Avenue, London NW2 7SA

- 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 Fouad Fayez against the decision of London Borough of Brent.
 - The application Ref 21/3409, dated 7 September 2021, was refused by notice dated 2 November 2021.
 - The development proposed is the conversion of dwellinghouse into 2 self-contained flats, subdivision of rear garden and provision for cycle and refuse storage.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of dwellinghouse into 2 self-contained flats, subdivision of rear garden and provision for cycle and refuse storage at 41 Tanfield Avenue, London NW2 7SA in accordance with the terms of the application, Ref 21/3409, dated 7 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Scale: 1:1250), XEVA/41TA/101, XEVA/41TA/102, XEVA/41TA/103, XEVA/41TA/104, XEVA/41TA/105, XEVA/41TA/106 and XEVA/41TA/AP1.
 - 3) The development hereby permitted shall not be occupied until details of refuse and cycle parking within the front garden are submitted to and approved in writing by the Local Planning Authority and completed in accordance with the approved details. Thereafter retained and maintained for the life of the development.

Preliminary Matters

2. On 24 February 2022 the Council adopted a new Local Plan and confirmed that Policy DMP1 of the Brent Development Management Policies Plan (2016), referenced within the decision notice, has been superseded by Policy DMP1 of the Brent Local Plan (2022). The main parties have had the opportunity to comment on the current planning policy context.
3. The appellant has submitted an additional plan¹ with the appeal to show the retention of an existing boundary wall to the front of the property. This plan was not considered by the Council in their determination of the planning

¹ XEVA/41TA/AP1

application. However, as the plan does not result in any additional works being carried out and relates to a matter typically dealt with via condition, the Council and interested parties would not be prejudiced by my acceptance of this plan. Thus, I have considered the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would provide satisfactory living conditions for the future occupier of flat 2, with regard to size and layout.

Reasons

5. The appeal property is a two-storey semi-detached dwellinghouse with a loft conversion, single storey rear extension and detached garage to the rear. It is currently used as an HMO (house in multiple occupation).
6. Flat 2, which would have a kitchen on the first floor and the remainder of the accommodation within the loft space, would have an unusual layout for a 1-bedroom, 1-person unit. Although there are no internal space standards in Policy D6 of The London Plan (2021) for this type of accommodation over two floors, Flat 2 would meet the requirement for a 1-bedroom, 1-person unit on 1 storey.
7. The floorspace that would be given over to flat 2 is stated in the Council's officer report to be 45.5 square metres, which significantly exceeds the minimum standard for a single storey property (37, or 39, square metres). In that context, even allowing for some internal circulation space, and having regard to the layout and arrangements of room, there would be sufficient floor space for a single occupant.
8. The kitchen would be located on a different floor to the studio style living space. However, during my site visit I noted that the kitchen is sufficient in size to also accommodate a small dining space should the occupant wish. Therefore, it would not be necessary to carry meals up and down the stairs. Consequently, although unusual, the layout of the accommodation proposed for Flat 2 would not be considered awkward or contrived and would provide adequate provision for a single occupant.
9. Policy D6 of The London Plan (2021) requires a minimum floor to ceiling height of 2.5 metres for at least 75% of the gross internal area. Although no evidence has been provided to show that this requirement would be met, during my site visit I found that the existing loft room had ample headroom for its use as a living/bedroom area. It is also noted that the occupant would have access to the kitchen on the first floor which has a greater ceiling height than the loft room.
10. The Council have no objection to the proposed size and layout of Flat 1, which would be a 3-bedroom, 4-person unit located on the ground floor and first floor, and I find no reason to disagree with this.
11. Therefore, I conclude that the proposed development would provide satisfactory living conditions for the future occupier and would comply with Policy DMP1 of the Brent Local Plan (2022) and Policy D6 of The London Plan (2021). These policies seek to ensure that development provides high levels of

internal amenity with comfortable and functional layouts which are fit for purpose.

12. The proposal would also comply with the Brent Design Guide SPD1 (2018) which states that new development should provide adequate space, access and orientation and adhere to the relevant space standards.

Conditions

13. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. As requested by the Council, a condition has also been included requiring details of the proposed refuse storage and cycle storage to be submitted to the Council for approval. Although these facilities are shown on the submitted plans, they would block an existing driveway shared with the neighbouring dwelling. Whilst the driveway may not be in use at present, this may change in the future and therefore the proposed location for refuse and cycle storage is not suitable and this condition is necessary to make the development acceptable.
14. The Council have requested a condition for the submission of amended car parking arrangements as they indicate that the current parking space to the front of the dwelling does not comply with the 'Brent Crossover Policy', although this policy has not been provided. Nevertheless, this car parking space is already in use and, as the proposed development would not significantly alter the car parking requirement on the appeal site, it is not reasonable to require the proposed development to resolve any existing issues. Similarly, requirements for soft landscaping to the front of the dwelling would also be unreasonable, as the current property and many others within the area do not benefit from this.

Conclusion

15. For the reasons set out above, the appeal is allowed.

E Grierson

INSPECTOR