



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: 13 July 2022

Appeal Ref: APP/T5150/W/21/3285180

101 Chamberlayne Road, London, NW10 3ND

- 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 Ms Thuy Laurie against the decision of London Borough of Brent.
 - The application Ref 21/1514, dated 22 April 2021, was refused by notice dated 15 June 2021.
 - The development proposed is the change of use of the basement and lower floor level from an office to a self-contained residential unit (use class C3) and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development proposal outlined in the banner heading above has been taken from the appeal form rather than the application form as it provides a more accurate description of the proposed development shown on the submitted plans.
3. On 24 February 2022 the Council adopted a new Local Plan and confirmed that Policies DMP1 and DMP14 of the Brent Development Management Policies Plan (2016), referenced within the decision notice, have been superseded by Policies DMP1 and BE3 of the Brent Local Plan (2022). As the Council submitted an update on this as part of their statement of case, the appellant has been provided with an opportunity to make a submission in respect of this adoption as part of the appeal process. Therefore, I have considered the appeal having regard to the newly adopted Local Plan and I am satisfied that any references made to it within this decision would not be unreasonable to the parties.

Main Issues

4. The main issues are:
 - the effect the proposed change of use would have on the provision of employment land within the area, and
 - whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to outlook and light.

Reasons

Employment Land

5. The appeal site is occupied by a three-storey, mid-terrace property with a retail unit at street level and two additional subterranean levels below this, which are currently used as office space and storage. Although some office space would be retained on the upper subterranean level, a large proportion of the lower subterranean level would give way to the proposed residential use, thereby resulting in a loss of office/employment space.
6. Policy BE3 of the Brent Local Plan (2022) states that the Council will only allow the development of local employment sites for non-employment uses where the continued wholly employment use is unviable. Similarly, Policy E1 of The London Plan (2021) states that existing viable office floorspace capacity should be retained taking into account the need for a range of suitable workspace including lower cost and affordable workspace.
7. The appellant has indicated that the COVID-19 pandemic has resulted in viability issues with the business which currently occupies the property and a reduction in staff, resulting in surplus space within the premises which is no longer viable for employment use.
8. To highlight this, a summary of a study, undertaken in 2020, into the London office market has been submitted by the appellant, which they suggest shows that the demand for this type of office space will decline and in its present state could not meet the specification likely to be demanded without significant investment. However, whilst a useful guide, this study is speculative and does not specifically demonstrate that the use of the space for employment purposes is unviable.
9. The appellant contends that, due to its size, the loss of employment floorspace would be de minimus. It is also noted that the Brent Workspace Study (2017), provided by the appellant, does not include the appeal site within the borough wide map of workspace provision. However, regardless of its size and whilst it may not have been directly considered by this study, the small site still contributes to the employment space within the area. The study also indicates that new workspaces are in the process of being delivered within the area, which the appellant states would be better quality than the basement premises at the appeal site. However, this does not directly demonstrate that the office space would necessarily be surplus to requirements.
10. No substantive evidence has been provided by the appellant to demonstrate that it would be unviable for the space to be occupied by another business. Although it may not be desirable for a mainstream commercial service office provider, the property is in an accessible, town centre location and could be suitable for a small business. There is no relevant market evidence before me to justify the loss of employment space in this instance.
11. Therefore, the proposed development would result in a detrimental loss of employment land within the area and would be contrary to Policy BE3 of the Brent Local Plan (2022) and Policy E1 of The London Plan (2021), as set out above.

Living Conditions

12. The main living area, comprised of a living room and kitchen, would be served by large, glazed patio doors which provide access to the garden. Although the area closest to these doors would receive sufficient daylight, this room has a

significant depth. Therefore, a limited amount of daylight would reach the areas furthest from the patio doors creating a gloomy living environment, resulting in a poor standard of accommodation for the future occupiers.

13. The proposed bedroom would be served by a glass ceiling, providing sufficient daylight and sunlight to the room. However, as no windows are proposed, there would be no outlook from this room. Nevertheless, as it is expected that the occupants would spend the most of their time in the living area, which has a sufficient outlook from the rear glazed patio doors, a lack of outlook from the bedroom would provide a sufficient standard of accommodation for the future occupiers of the property.
14. However, due to the lack of daylight within the main living area, the proposed development would not provide satisfactory living conditions for the future occupiers and would conflict with Policy DMP1 of the Brent Local Plan (2022) and Policy D6 of The London Plan (2021). These policies collectively seek to ensure that development provides high levels of internal amenity with sufficient daylight and sunlight.
15. The proposal would also be contrary to the Brent Design Guide SPD1 (2018) which states that new development should provide adequate amenity for new residents.

Other Matters

16. The appellant has indicated that it is unlikely that the Council can demonstrate a five-year housing land supply and therefore significant weight should be given to the provision of one additional dwelling. Although, no substantial evidence has been provided to support this. The Council have stated within their statement of case that it has surpassed its housing delivery target and can demonstrate over five years of housing land supply. Although a specific figure has not been provided, this is the most recent update following the adoption of the new local plan and has not been contested by the appellant. Therefore, as the Council state that they can demonstrate a five-year housing land supply, the provisions of footnote 8, paragraph 11 (d) of the National Planning Policy Framework are not engaged and the policies which are most important for determining the application are not deemed out of date.
17. The proposal would still provide one additional dwelling in a sustainable location. However, the limited benefit of a single one-bedroom dwelling would not be sufficient to overcome the loss of employment land and the lack of satisfactory living conditions that I have identified.
18. The appellant has stated that the proposed change of use could be undertaken without planning permission under permitted development rights. However, they also state that the proposal includes external alterations to the building which would not fall under these rights. Although part of the proposal may be possible without planning permission, as the proposed development must be considered as a whole, this would not alter my conclusions or the outcome of this appeal.
19. No objections were received from the occupiers of neighbouring properties. However, this is a neutral factor which would not outweigh the harm found.

Conclusion

20. For the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR