



Appeal Decision

Site visit made on 27 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/T5150/W/22/3293219

17 Holland Road, Wembley HA0 4RH

- 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 Mrs B Kharay against the decision of London Borough of Brent.
- The application Ref 21/3683, dated 29 September 2021, was refused by notice dated 26 November 2021.
- The development proposed is ground floor rear extension and conversion of single residential dwelling into two independent flats

Decision

1. The appeal is dismissed.

Procedural Matters

2. Prior to my consideration of the appeal, the Council adopted the Brent Local Plan 2022 (BLP). This superseded those policies referred to in the Council's reasons for refusal. The main parties have referred to the updated policies and as such neither will be prejudiced by my having regard to the development plan at the time I make this decision.
3. The appellant has provided an amended plan which shows rooflights above a ground floor bedroom and living accommodation. Whilst minor, the appeal process should not be used to evolve a scheme to overcome reasons for refusal and instead a fresh planning application should usually be made¹. I have therefore determined the appeal on the basis of the plans as originally submitted.

Main Issues

4. The main issues are:
 - The effect of the proposed development on highway safety with specific regard to parking provision, cycle and refuse storage; and
 - Whether the proposed development would provide satisfactory living conditions for future occupiers of the ground floor flat with specific regard to daylight and outlook.

Reasons

Highway Safety

5. Whilst there are some limited services within a relatively short walking distance to the appeal site, the appeal scheme would represent a conversion to two

¹ Annexe M of the *Procedural Guide Planning Appeals – England*.

independent residential units in an area with a very poor Public Transport Accessibility Level (PTAL) rating of 1. With this in mind, it is reasonable to conclude that there is a greater likelihood of future occupiers owning a car. Which would thus create demand for additional parking. In an area which the Council's evidence, and my own observations experiences high levels of unrestricted on street parking, particularly at night. The appellant has not provided any compelling evidence to the contrary.

6. A street tree is located in the grass verge close to the existing footway crossover which is not proposed or widening. The front garden of the appeal property is currently put down to hardstanding and the appellant asserts that two vehicles could be accommodated within the site. Nevertheless, the plans before me show only one space proposed along with the introduction of soft landscaping, cycle parking and refuse storage provision.
7. Whilst the Council's parking standards appear to be allowances and thus not a maximum figure, taking into account the above, it seems reasonable that an additional space should be provided within the appeal site. Given the width of the existing crossover, the existence of a street tree constraining such and the remaining space within the site when cycle parking and refuse storage is accounted of, I am struggling to see how or where this could be practically provided, allowing for safe manoeuvring clear of the highway.
8. On-street car parking on Holland Park is set out in marked bays due to the restricted width of the carriageway and to allow access to off street provision. It is not subject to any permitting restrictions. At the time of my visit most spaces were occupied. This was during the day. I have not been provided with any evidence that this was an unusual situation. Parking is restricted in the area on Wembley event days and the main problem, as I have said, appears from the evidence to be at night when most residents return from work. Any under provision for new development would likely, given the above, lead to an increased demand for on street parking. In this context, this would give rise to further pressure, more congestion on the roads which would further limit the usable carriageway. This would be harmful to highway safety, specifically through the inhibition of the free flow of traffic.
9. Whilst cycle parking would be provided, in satisfaction of the requirements of London Plan (LP) Policy T5 in this regard, I am not convinced that this would be sufficient to, given the PTAL rating, dissuade residents from owning a vehicle and thus leading to the problems I have set out above.
10. For the above reasons, the proposal would conflict with BLP Policies DMP1 and BT2 and LP Policy T6, which seek, amongst other things, to ensure that parking provision does not have a negative impact on existing parking and highway safety and requires that development does not add to on-street parking demand where on-street parking spaces cannot meet existing demand.
11. The Council cite BLP Policy BGI2 which seeks to protect trees where they may be affected by development. Since the proposal would not involve the loss of the street tree as it stands, this policy is not directly relevant. The appellant has indicated that a second cross over could be secured, and this may affect tree. I would be reluctant however to impose a condition to this effect as consideration of its effect on highway safety would need to be properly considered prior to granting planning permission.

Living Conditions

12. In order to facilitate the subdivision of the property to two flats it would be extended at the rear to provide additional living accommodation at ground floor. The window serving one of the ground floor bedrooms at the rear would be in between a high boundary wall and the flank wall of the proposed extension. Although the outlook from the window would be confined for a short distance between the two, it would look out onto the garden beyond and would not, as a result, be unduly restricted or confined.
13. Based on the plans I have before me, and from my observations on site, the proposed bedroom would have sufficient ceiling height and window dimensions to allow adequate access to light into this bedroom which would provide acceptable living conditions for future occupiers. I have not been presented with any compelling evidence to the contrary.
14. Living and kitchen accommodation would be provided in a single space, which would be served by full height French style doors with glazing either side. Whilst the room would be deep it would not be excessively so, and I have not been provided with any evidence that light levels serving this room would be insufficient to provide adequate living conditions for the occupiers of the ground floor flat.
15. The proposal would therefore provide satisfactory living conditions for future occupiers of the ground floor flat which would not conflict with BLP Policy DMP1 or LP Policy D6 which all require that development should, amongst other things, provide a high quality of amenity for future users.
16. The refusal reason refers to DMP Policy DMP18 which has been superseded by BLP Policy BH12 and LP Policy D6 which are concerned with the size of dwellings and the provision of outbuildings. These are not directly relevant to the reason for refusal which is concerned with the living standards of future occupiers with regard to outlook and light.

Other Matters

17. The proposal would provide additional housing. Given the scale of the scheme any contribution towards housing supply or mix, however, would be limited and the weight this carries in support of the proposal would be limited as a consequence. These factors are not therefore sufficient to outweigh harm that I have identified above.
18. There are also be areas in which the appeal scheme would be acceptable and comply with the development plan such as, for example, its effect on the character and appearance of the area and the living conditions of neighbours. This would however be a lack of harm in each case, thus neutral in the overall balance and incapable of weighing against the harm that I have found.
19. The appellant has also drawn my attention to a number of other properties on Holland Park which have been converted to flats. I do not have the full details of these before me. However, it appeared to me on my site visit that the parking provision for these properties is materially different to the situation before me and therefore I am unable to draw any direct parallels from them relevant to the appeal before me which would lead me to an alternative conclusion.

Conclusion

20. Although I have found that the proposal would not result in poor standards of living conditions for future occupiers of the proposal, the proposal would be detrimental to highway safety with regard to the provision of parking. In this regard, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate that the appeal should be determined other than in accordance therewith. The appeal should therefore be dismissed.

Katherine Robbie

INSPECTOR