



Appeal Decision

Site visit made on 17 May 2022

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal Ref: APP/T5150/W/21/3289367

3 Gladstone Parade, Edgware Road, Cricklewood, London NW2 6JR

- 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 Thirunavukkarasu Sivarajah against the decision of London Borough of Brent.
 - The application Ref 21/3455, dated 13 September 2021, was refused by notice dated 1 December 2021.
 - The development proposed is the erection of a three-storey, one-bedroom dwellinghouse with second floor balcony and basement courtyard and the reduction of the side boundary wall and insertion of side pedestrian gate on the land to the rear of off license.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In February 2022 the Council adopted a new Local Plan and, in an email dated 6 June 2022, it confirmed that the Brent Development Management Policies Plan (2016), referenced within the decision notice, has been revoked and that the relevant local plan policies for this appeal are now Policies DMP1, BD1, BH11 and BH13 of the Brent Local Plan 2019-2041 adopted February 2022 (BLP). The appellant has been provided with an opportunity to comment on the adoption of the BLP and the policies which the Council considers are relevant. I have taken into account any comments received and the appeal has been considered against these policies from the BLP together with the London Plan (LP)¹ policies referred to.

Main Issues

3. The main issues are whether the proposed development would:
 - provide satisfactory living conditions for the future occupiers, with regard to outlook, daylight and sunlight, and
 - provide sufficient cycle storage facilities.

Reasons

Living Conditions

4. The appeal site comprises an end-of-terrace building containing a retail unit on the ground floor and residential accommodation on the upper floors. The site of

¹ The London Plan – The Spatial Development Strategy for Greater London March 2021

the proposed dwelling is located to the rear of the host building and is currently an unused yard bounded by a brick wall, separating it from the adjacent road.

5. Although most of the accommodation would be above ground level, the proposed dwelling would have a bedroom at basement level. This bedroom would be sufficient in size and served by large, glazed doors facing onto a small courtyard below ground level. It appears that the courtyard would comply with the minimum depth required for outdoor amenity areas and would be rendered and painted with light reflective paint. However, due to its depth below ground level, the amount of daylight and sunlight which the bedroom would receive would be substantially impeded throughout the day.
6. This would be further obstructed by the boundary wall at street level. Though I note that this would be constructed from lattice style brickwork allowing some light to penetrate through it, this would not be sufficient to allow an adequate amount of daylight and sunlight into the courtyard and basement level bedroom. Furthermore, due to the small size of the proposed courtyard below ground level and the proximity of the glazed bedroom doors and courtyard to surrounding built development including brick walls, future occupiers of the proposed dwelling would also have a severely restricted outlook from the basement bedroom.
7. Consequently, the proposed development would not provide satisfactory living conditions for the future occupiers and would conflict with Policy D6 of The LP and the relevant sections of Policies DMP1 and BD1 of the BLP. These policies seek, amongst other things, to ensure that new development is of the highest architectural and urban design quality which provides high levels of internal amenity whilst providing sufficient daylight and sunlight to new housing.

Cycle Storage Facilities

8. The submitted plans indicate that the proposed development would provide two wall mounted lockable cycle racks. However, within their statement, the appellant shows that the allocated space would be sufficient for one cycle wall dock. Policy T5 of the LP states that one cycle parking space per one person, one bedroom dwelling is required. Therefore, the proposal would meet this requirement and, due to the size of the proposed dwelling, this level of cycle storage is sufficient to serve future occupiers.
9. The cycle storage would be located in a covered area adjacent to the main entrance. Whilst this area is also shared by waste storage, I am satisfied that there is adequate space for both uses by using a cycle wall dock. Although the allocated space is small, as it is located adjacent to the entrance, manoeuvrability into and out of the site would be possible.
10. Therefore, the proposed development would provide sufficient cycle storage facilities for future occupiers and would accord with Policy T5 of the LP and the relevant section of Policy DMP1 of the BLP. These policies seek, amongst other things, to ensure that development is provided with the necessary infrastructure and to secure the provision of appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Conclusion

11. Whilst I have found that the proposed development would provide sufficient cycle storage facilities, future occupiers of the proposed dwelling would not be

provided with satisfactory living conditions with regard to outlook, daylight and sunlight. Therefore, for the reasons given above and having had regard to all other matters raised, the proposed development conflicts with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR