



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: 26 July 2022

Appeal Ref: APP/T5150/W/22/3292062

54A Craven Park, London NW10 8QL

- 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 Saeed Omar against the decision of London Borough of Brent.
 - The application Ref 21/1574, dated 20 April 2021, was refused by notice dated 15 September 2021.
 - The development proposed is the conversion of large extended ground floor flat into two self contained flats together with a single storey outbuilding in the rear garden.
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Decision

1. The appeal is allowed, and planning permission is granted for the conversion of large extended ground floor flat into two self-contained flats together with a single storey outbuilding in the rear garden at 54A Craven Park, London NW10 8QL in accordance with the terms of the application, Ref 21/1574, dated 20 April 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is accompanied by a planning obligation by way of a Unilateral Undertaking made under Section 106 of the Town and Country Planning Act 1990 (as amended). This proposes to deal with the proposed parking arrangements by way of car free development. I return to this matter below.
3. The Brent Local Plan (BLP) was adopted by the Council on 24 February 2022 and now forms part of the statutory development plan. The reasons for refusal referred to policies DMP1, DMP12 and DMP18 of Brent Development Management Local Plan (2016) (DMP). These have been superseded by Policies DMP1, BT2 and BH12 respectively in the BLP and policies in the London Plan (2021) (LP) where applicable. I have therefore determined the appeal in accordance with these adopted policies.

Main Issues

4. The main issues are:
 - Whether adequate living conditions would be provided for future occupiers with regard to outlook, privacy and noise; and
 - Whether the proposal would make adequate provision for off-street parking and maintain highway safety.

Reasons

Living Conditions

5. The appeal property is a substantial Victorian semi-detached property which has previously been converted to flats. The property has also been recently extended with a single storey extension to the rear to provide extended living accommodation for the existing ground floor flat.
6. Access to the rear garden is via a passageway down the side of the property. Windows to two bedrooms in the ground floor flat currently face onto this passageway and the flank wall of the adjacent property at 52 Craven Park. This would remain unaltered in the proposed layout of the front flat. Although the front flat would be smaller than the existing unit, this has little bearing on the value of the outlook from these windows as their outlook would remain unaltered and the development would not result in additional harm in this regard.
7. The outlook from the windows in the proposed bedrooms on this elevation of the rear flat would be onto a close-boarded fence between the appeal property and No. 52. The garden of No. 52 lies beyond the fence. As a result, sky and vegetation within the garden beyond would be visible above the fence from within the proposed bedrooms, and would result in an outlook which, although not completely unrestricted, would not be unduly or harmfully oppressive or enclosed. The outlook from all other habitable rooms in the proposed flat would be onto the private garden area at the rear of the property which would be relatively open and pleasant.
8. As a result of the proposal, residents passing through the passageway to reach the rear garden would pass two additional windows serving bedrooms created in the sub-divided ground floor accommodation. The passageway is relatively narrow and is intended for accessing the garden. Occupiers of the building are therefore unlikely to linger in this area for long periods. Whilst residents may talk to one another whilst passing through the area I do not consider this would cause undue noise and disturbance or loss of privacy to the occupiers of rooms on this side of the building.
9. Consequently, the living conditions of future occupiers of the proposed accommodation would not be unduly compromised with regard to outlook, privacy and noise. The proposal would therefore comply with the requirements of BLP Policy DMP1 and also London Plan Policy D6 which, amongst other things seek to ensure that the future occupants of development are provided with a good standard of amenity.

Highway Safety

10. The appeal site is located in area with a PTAL rating of 3 and is located in a Controlled Parking Zone (CPZ). The scheme proposes that the existing 4 parking spaces would be retained on hardstanding to the front of the property, whereas the Council in their officer report, consider that 4.5 spaces should be provided.
11. Since the adoption of the BLP, the requirement for parking provision has transferred to the standards set out via BLP Policy BT2 to LP Policy T6.1. The overall requirement for the property would, therefore, be for 3.75 off-street spaces. The proposed layout would, consequently meet this requirement.

12. The proposal would, as a consequence of complying with the relevant parking standard, not have any adverse impact on the parking elsewhere in the locality. I acknowledge that the proposal would not provide any soft landscaping and may involve cars driving over the kerb to access all 4 spaces. However, as the proposal would utilise the existing situation on the site, I do not consider that any alteration in these respects that would be necessary would adversely affect the amenity of the site or the surrounding area and would not increase surface run-off from the existing situation to such a degree that would warrant refusal of the scheme on this issue alone.
13. For these reasons the proposal would make adequate provision for off-street parking so would not result in additional pressure for on-street car parking which would be detrimental to highway and pedestrian safety. The proposal therefore would not conflict with the aims of BLP Policy BT2 and LP Policy T6.1 which, amongst other things, aims to ensure that highway safety is not compromised as a result of development and appropriate levels of car parking are provided.
14. A Unilateral Undertaking (UU) has been submitted with the appeal which would remove the entitlement of the occupiers of the 2-bed unit on the ground floor flats to apply for a residents parking permit. I have considered these in light of the statutory tests contained in Regulation 122 of The Community Infrastructure Levy (CIL) Regulations 2010. It seems to me that this obligation is directly related to the development and is fairly and reasonably related in scale and kind to the development. However, as the parking provided would be in accordance with the standards, I am not persuaded that it is necessary to make the development acceptable in planning terms. Hence this obligation would fail to meet the tests in the Regulations and in my view, it would not be lawful to take it into account as a reason for granting planning permission.

Other Matters

15. Concern have been raised regarding the use of the proposed outbuilding. To that end I have attached a condition to the permission which restricts the use of that building to those which are incidental the occupation of the flat to which it is allocated. This is to prevent residential occupation of the proposed building.
16. I have also considered the impact of the proposal on local services. Given the small scale of the proposal any additional demand on services in the local area would also be small and therefore would not put undue demand on them. I also note that concerns have been raised regarding the scale of the extension to the property but the extension to the building is not part of the proposal so therefore is not a matter before me.

Conditions

17. In the absence of suggested conditions from the Council I have formulated conditions in line with advice in the National Planning Policy Framework and Planning Practice Guidance. The main parties have had the opportunity to comment on the proposed conditions.
18. I consider that a condition is necessary to ensure that the proposed development is carried out in accordance with approved plans, and within 3 years in the interests of clarity. It is also necessary to attach a condition to

ensure that the materials utilised in the proposed outbuilding match those in the existing building in the interests of character and appearance.

19. In addition, to ensure that cycle storage is provided for residents this should be provided prior to occupation of the development in line with the requirements of BLP Policy BT2 which encourages sustainable modes of transport. The refuse storage is shown on the approved plans, but to ensure that the space is retained for this purpose in the interests of the amenity of occupiers of the property and to ensure that refuse storage does not spill out onto the highway in the interests of highway safety, I have attached a condition accordingly.

Conclusion

20. For the above reasons, having had regard to the development plan as a whole and all other relevant material consideration, I conclude that the appeal should succeed subject the conditions set out above.

Katherine Robbie

INSPECTOR

Schedule of 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: 180131/03 Rev J; 180131/104; 180131/105 Rev A; 180131/106 Rev B; 180131/101 Rev D; 180131/107 Rev A.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The development hereby permitted shall not be occupied until cycle parking is installed in accordance with the details shown on plan 180131/107 Rev A and shall be retained thereafter.
- 5) The space shown on plan 180131/107 Rev A for the storage of wheeled bins shall be kept clear of obstruction at all times to enable the placing of wheeled bins in this area.
- 6) The detached outbuilding hereby permitted shall not be occupied at any time other than for purposes incidental to the residential use of the 3-bedroomed ground floor flat hereby approved.