



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: 01 August 2022

Appeal Ref: APP/T5150/W/21/3288752

41 Chatsworth Road, London NW2 4BL

- 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 Gaetano Maddalena against the decision of London Borough of Brent.
 - The application Ref 21/3463, dated 13 September 2021, was refused by notice dated 12 November 2021.
 - The development proposed is a basement excavation and rear extensions to facilitate the subdivision of an existing flat into 3x self-contained flats at ground and lower ground floor with associated private and communal amenity space, cycle storage, refuse storage, off road parking spaces and soft landscaping.
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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, they confirmed that the Brent Development Management Policies Plan (2016), referenced within the decision notice, has been revoked and that the relevant policies for this appeal are now Policies DMP1, BD1, BH11, BSUI3 and BSUI4 of the Brent Local Plan (2022). The appellant has been provided with an opportunity to comment on the Brent Local Plan, against which I have assessed the scheme.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for the future occupiers, with regard to outlook.

Reasons

4. The appeal property is a three-storey semi-detached building which is currently divided into three flats, with a large communal rear garden, a single storey rear projection and additional rooms at basement level. Dwellings on Chatsworth Road, including the appeal property, have a fairly spacious character with generally good levels of outlook.
5. The proposed development includes the extension of the existing basement to create additional habitable accommodation, with three flats proposed at ground floor and basement level. Both proposed flats 1 and 2 would have an open plan living/kitchen/dining space at this basement level with large, glazed patio doors providing access to a small, tiered patio with steps up to the rear garden.

6. Due to the varied ground levels on the site, the ground floor is higher than the garden to the rear of the building. Therefore, the basement level would only be approximately 1.4 metres below the current garden level, providing the majority of occupiers with some high-level views of the garden. Although it is likely that a balustrade would be required around the basement patios for the safety of the occupiers, which may restrict these views.
7. However, although the set down may be modest, the proposed depth of the patio for both flat 1 and flat 2 would be limited, with little useable space and the higher ground in close proximity to the patio doors. This would result in an excessive level of enclosure for the occupiers of flat 1 and flat 2 when using their living/kitchen/dining areas. For flat 2, in particular, the adjacent rear projection would overshadow the patio area and the internal living space, exacerbating the sense of enclosure for the occupiers.
8. It is noted that a tiered design has been used to reduce the impact on the occupiers outlook and provide 45-degree unobstructed views of the sky. However, the depth would still be insufficient and therefore I do not consider that this approach would overcome the enclosing nature of the proposal.
9. Flat 1 would span two floors with two bedrooms at ground floor level, one facing the front garden and one facing the rear. These rooms would provide the occupiers with a sufficient outlook. However, this would not overcome the sense of enclosure which would be felt by the future occupiers when using their primary living space.
10. Flat 2 would have a bedroom at basement level, to the front of the property, which would be served by a lightwell. Due to the topography of the site, the window serving this bedroom would be fully below the ground level to the front of the property. This, along with the limited depth and width of the proposed lightwell would result in a room which has a significant sense of enclosure and a poor outlook. Although flat 2 would also span two floors, only a minimal level of accommodation would be at ground floor level which would not provide sufficient outlook for the whole unit.
11. Whilst flat 3 would also have a bedroom at basement level, its primary living space would be on the ground floor, providing sufficient outlook for the occupiers. Therefore the Council have concluded that, on balance, this flat would provide satisfactory living conditions for its occupiers and I find no reason to disagree with this finding.
12. Nevertheless, as demonstrated above, the proposed development would not provide satisfactory living conditions for the future occupiers of flat 1 or flat 2. It would therefore conflict with Policy DMP1 of the Brent Local Plan (2022) which seeks to ensure that new development provides high levels of internal amenity. The proposal would also be contrary to the Brent Design Guide SPD1 (2018) which states that development should ensure a good level of outlook, throughout the day and the year.
13. I do not consider that Policies BD1, BH11, BSUI3 and BSUI4 of the Brent Local Plan (2022) are relevant to this main issue as they relate to various other matters.

Other Matters

14. It is noted that the proposal would provide two additional dwellings in a sustainable location. However, due to the minimal nature of the proposed development, the benefits of additional housing would not be sufficient to outweigh the harm that I have identified

Conclusion

15. 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