



Appeal Decision

Site visit made on 5 September 2022

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/T5150/W/21/3288980

101 Chevening Road, London NW6 6DA

- 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 Anna Skuza against the decision of London Borough of Brent.
 - The application Ref 21/1435, dated 19 April 2021, was refused by notice dated 11 October 2021.
 - The development proposed is semi-detached dwelling conversion into two self-contained flats, 1x two bedroom flat and 1x three bedroom flat, side extension, loft conversion.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for future occupants, with reference to outlook, privacy, and access to private outdoor space.

Reasons

3. The proposal would include the erection of a single storey side extension. By extending the existing rear projection of the dwelling to the side, at ground floor level, a situation would be created where the single rear facing window serving Bedroom 2 of the ground-floor flat, would be directly facing the proposed side extension at a distance of around 3.3m.
4. Despite the monopitch design of the side extension roof, its single storey nature, and size of window serving Bedroom 2, any occupier of this room would predominantly look out of the window directly onto built form at close proximity in two aspects in the form of the existing rear projection and proposed side extension. Only the area of the indicated side access would provide a wholly open aspect, and this would lead to the room feeling unacceptably closed and repressive.
5. The window of Bedroom 2 would also be located directly adjacent to the shared external side access path, which would provide access to the rear of the site from the road, and also the sole means of access for occupiers of the upper-flat to access the rear garden. The situation of the window in relation to this path means that it is likely that direct, close proximity views into the bedroom would be unavoidable for users of the side access and would lead to an unacceptable level of privacy being provided to occupiers of this room.

6. Both parties indicate that some form of demarcating boundary treatment along the side access path could overcome some of the privacy concerns by providing a degree of screening, however no details of what this would comprise have been provided. Furthermore, in order to be effective, any such screening would need to be of a closed or solid construction and tall. Being located in such close proximity to the window of Bedroom 2, this would likely further reduce the level of outlook available to the occupiers of this room.

Access to outdoor space

7. With regard to outdoor amenity space, the provided plans indicate that the rear garden would be divided between both proposed flats. Occupiers of the ground floor flat would have direct access to the rear garden, whilst occupiers of the first floor flat would access the rear garden by means of the front entrance to the property and a side pathway.
8. Although access to the garden for occupiers of the first-floor flat would not be direct or level, it would not be an excessively lengthy or circuitous route and would enable occupiers of this flat access to private outdoor space without having to leave the property.
9. The proposal would provide acceptable living conditions for future occupiers with reference to access to private outdoor space, in accordance with Brent Local Plan¹ (BLP) DMP19 which sets out the minimum level of required space, BLP Policy DMP17 which although indicating a preference for direct access to garden space does not require it as a minimum standard, and BLP Policy DMP1 insofar as it requires new development to provide a high level of external amenity.
10. However, it would not provide acceptable living conditions for future occupiers of the property with reference to privacy and outlook. It would therefore fail to accord with (BLP) Policy DMP1 which requires development to provide high levels of internal amenity.
11. The Council have also cited BLP DMP18 within its reason for refusal, however this policy relates to internal space provision and does not relate to the provision of adequate outlook and privacy, or access to outdoor space. Consequently, this policy is not determinative in my consideration.

Other Matters

12. There is no dispute between the parties as to whether the proposed physical works to the property would preserve or enhance the character and appearance of Queen's Park Conservation Area. As I am dismissing the appeal for other reasons, I do not need to consider this matter further.
13. I acknowledge that there appears to be no dispute between the parties with regards to the provision of internal space and external space in quantitative terms, and whether the rear garden could be successfully demarcated. Even were I to agree with regards to these matters, they would only be neutral factors and would not weigh in favour of the scheme.
14. The proposal would contribute to the local economy in terms of employment during construction, sustaining local businesses once occupied, contribute

¹ Brent Local Plan Development Management Policies November 2016

towards local housing stock, include carbon reduction measures, and represent efficient use of land. However, the scale of the proposed development means that I attach only limited weight to these benefits.

Conclusion

15. The proposed development conflicts with the development plan when considered as a whole, and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
16. For the reasons given above I conclude that the appeal should be dismissed.

C Harding

INSPECTOR