



Appeal Decision

Site visit made on 21 September 2022

by Emma Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th October 2022

Appeal Ref: APP/T5150/W/21/3288417

62 Dagmar Avenue, Wembley HA9 8DF

- 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 Zara Properties Ltd against the decision of London Borough of Brent.
 - The application Ref 21/3275, dated 26 August 2021, was refused by notice dated 18 October 2021.
The development proposed is described as the 'conversion of a 4 bedroom end of terrace house into two residential flats following ground floor single storey rear extension and erection of cycle and refuse bins toward the front of the property'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the date of the council's decision a new development plan has been adopted. Therefore, policies DMP1 and DMP18 of the Brent Development Management Policies Plan (2016) referred to in the decision notice have been replaced by the Brent Local Plan 2022 (BLP). I have considered the development against Policy BD1 of the now adopted BLP, which was also referred to in the council's decision.

Main Issues

3. The main issues are:
 - the effect of the development on the living conditions of future occupiers having particular regard to outlook and light with particular regard to the kitchen in flat 1 and the bedroom in flat 2;
 - the effect of the development on the character and appearance of the area; and
 - whether the proposal would meet fire safety standards.

Reasons

Living conditions

4. The kitchen in flat 1 would not benefit from a conventional window in the wall of the room, but instead would have a large skylight. This would provide an outlook, albeit of the sky, as well as a source of natural daylight. The skylight would provide the development with sufficient daylight and sunlight that would be appropriate for its context. I therefore find that the accommodation,

specifically the kitchen, would provide acceptable living conditions for the future occupiers of flat 1 with regard to outlook.

5. The submitted floor plans indicate that the double bedroom in flat 2 would have an internal floor area of 11m². This would fall short of the Technical housing standards – nationally described space standard March 2015 (NDSS) which requires at least 11.5m² for a double bedroom. Whilst the shortfall is modest, given that these figures are minimum standards which are intended to prevent substandard accommodation, it would nevertheless mean that the proposal would fail to provide adequate living conditions for the future occupiers of flat 2 due to the size of the bedroom.
6. Thus, although I have found that the living conditions for flat 1 would be acceptable, the proposal would conflict with Policy D6 of the London Plan 2021 (LP), which among other things, requires housing development to be of a high quality design and to provide adequately-sized rooms which meet the minimum standards set out in the NDSS.

Character and appearance

7. The appeal property is a 2 storey dwelling which sits at the end of a terraced row of similar properties. The area is predominantly residential in character, although the land adjoining the site is in commercial use and includes an office building, a public house and car park. The dwellings in the row, including the appeal property, have a range of extensions and additions of various styles to the rear elevations. The appeal proposal includes a single storey rear extension and the conversion of the existing 4 bedroom dwelling to a 3 bedroom ground floor flat and a one bedroom flat at first floor level.
8. The proposed rear extension would have a flat roof and would be viewed against the backdrop of the existing extension at the property. It would also be screened to a degree by the boundary fence. I am satisfied that the size and scale of the extension would be commensurate to and sympathetic to the host dwelling. Furthermore, the remaining rear garden would be of a size commensurate with others in the vicinity and would therefore not be at odds with the prevailing character of the area.
9. The proposed rear extension would also extend more than 3m from the rear wall of the property and would run parallel to the side boundary. It would therefore fail to accord with the council's Residential Extensions and Alterations Supplementary Planning Document (2) 2018 (SPD), which seeks to protect residential amenity. However, the appeal property occupies a position at the end of the row of the dwellings and the existing single storey rear extension would lie between the proposed extension and the adjoining residential property. As such, notwithstanding the fact it would protrude marginally beyond the existing extension, given the site specific circumstances of the appeal site, the proposed extension would not harm the living conditions of the occupiers of the adjoining property through loss of light or outlook.
10. I conclude that, despite conflicting with advice in the SPD in respect of the depth of the extension, for the reasons set out above, the extension by virtue of its size, scale, and siting, would not appear unduly cramped or harm the character and appearance of the area. Accordingly, it would not conflict with BLP Policy BD1, which among other things, requires new development to be of the highest architectural and urban design quality.

Fire safety

11. Policy D12A of the LP requires the submission of information to ensure that fire safety measures are in place for the development. As the appellant has not provided any information in relation to fire safety, I cannot be certain that the proposal would comply with the requirements of Policy D12. Moreover, although I note the appellant's suggestion that such matters could be dealt with via a suitably worded planning condition, one has not been provided by either party for me to consider.
12. Thus, in the absence of any detailed information relating to fire safety, the development would be in conflict with Policy D12, of the LP which seeks, amongst other things, to ensure that developments would be capable of achieving the highest standards of fire safety.

Other Matters

13. My attention has been drawn to a number of examples of development in the area that are considered to be similar to the proposal before me. Nevertheless, the precise details of each case have not been provided so that I may be able to draw comparisons with the appeal scheme. In any case, each development proposal must be considered on its own merits, which is a fundamental principle that underpins the planning system.

Conclusion

14. Thus, I conclude that there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan. Therefore, the appeal is dismissed.

Emma Worley

INSPECTOR