



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: 15 November 2022

Appeal Ref: APP/T5150/W/22/3295841

51 Highmeadow Crescent, London NW9 0XE

- 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 A Gokani on behalf of Celtic Trading Ltd against the decision of London Borough of Brent.
 - The application Ref 21/3966, dated 21 October 2021, was refused by notice dated 8 February 2022.
 - The development proposed is demolition of existing store, construction of two storey side/rear extension, part single storey rear extension, conversion of dwelling house into two flats, front bin store, cycle store and division of garden to provide private amenity for future occupiers of both flats.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A Gokani Bickford against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The Council's refusal reason refers to the loss of a family sized residential unit. However, it is clear from the Council's evidence that the main issue is in fact the location of the new residential unit.

Main Issue

4. Whether the proposed development would be consistent with local policies relating to the location of new housing development, having regard to accessibility to public transport and local services.

Reasons

5. Policy BH4 of the Brent Local Plan 2022 (LP) supports small housing developments through the more intensive and efficient use of sites, subject to consistency with other policies in the development plan and specifically within the priority locations of Public Transport Accessibility Level (PTAL) 3-6, intensification corridors, or a town centre boundary. The aim of the policy is to support new housing in areas with good access to public transport and local services. Areas with PTAL ratings of 3-6 are likely to be some of the better served by public transport and thus more sustainable, in terms of reducing reliance on the private car with its associated impacts, such as air quality.

6. The appeal site has a PTAL of 2. It would therefore not fall within the priority locations of PTAL 3-6, nor is it located in an intensification corridor, or a town centre boundary. A new dwelling in this location would therefore be likely to lead to higher levels of dependency on the private car, which is contrary to the Government's aim of moving to a low carbon economy set out in the Framework. Whilst Policy BH4 does not prohibit such development outside of these areas, it supports small sites such as this only where the proposal would be consistent with other policies in the development plan.
7. LP Policy BH11 seeks to allow for efficient use of housing stock through the conversion of existing larger units to meet housing targets, whilst ensuring the continued provision of family sized housing (3 bedrooms or more) suitable for occupation by families. BH11 sets out that conversions from family sized homes into two or more other dwellings would only be allowed where specific criteria are met, including that; a) the existing home is 130m² or more or could acceptably be extended to be that size; b) it results in at least a 3-bedroom dwelling, preferably with direct access to a garden/amenity space; and c) it is within an area of PTAL 3 or above.
8. There is no dispute between the parties that the first criterion in relation to the size of the property is complied with. Furthermore, notwithstanding the fact that the refusal reason relates to the loss of a larger family sized residential unit, the proposal would provide a 3 bedroom residential unit at ground floor level with direct access to the rear garden, so would comply with the second criterion. However, the appeal site is in an area which has a PTAL of 2, with poor public transport accessibility, and would therefore fail to satisfy the third criterion. It is clear that all 3 criteria should be complied with and as such failure to comply with criterion c) would mean the proposal would fail to accord with the policy.
9. I note the appellant's point that the reasoned justification for Policy BH11 does not provide an explanation as to the requirement for such development to be located within in an area of PTAL 3 or above. Whilst the policy may not explain the PTAL 3 or above requirement, in my view this is consistent with the same aim of related policy BH4 and its purpose to have new houses in areas with good access to public transport. I note the distances that the appeal site is away from some shops, tube stations and parks. However, it seems to me that even at these distances, which presumably have guided why the area does not have a higher PTAL rating, it is likely that occupiers would seek to use the private vehicle for convenience rather than regularly walk, cycle or use public transport.
10. In light of the above I conclude that, as a consequence of its PTAL of 2, the appeal site would not be an appropriate location for new housing development, having regard to accessibility to public transport. In that regard the proposal would be contrary to LP Policies BH4, which supports small housing development where they are consistent with other policies in the plan, and BH11, which allows the conversion of larger units to provide additional housing where, among other things, the proposed development would be located within an area of PTAL 3 or above.

Other Matters

11. I note the Council's housing targets for the delivery of homes during the plan period and that to achieve this it will grant permission to support the delivery

of appropriate windfall sites. However, even if it were that there was an immediate housing need at this point in time, this would not outweigh the harm identified with regards to the conflict with Policy BH11 and specifically the location of the development and accessibility to public transport for future occupiers.

Conclusion

12. The proposal conflicts with the development plan when read as a whole, and material considerations do not lead me to a decision otherwise. For the reasons above the appeal is dismissed.

Emma Worley

INSPECTOR