



Appeal Decision

Site visit made on 17 January 2023

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/T5150/W/22/3301807

48 Conduit Way, London NW10 0SE

- 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 Mahadra Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/0635, dated 2 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is two storey side and rear extension, single storey front and rear extension, loft conversion with rear dormer and front roof lights. Conversion of dwellinghouse into two flats, separate amenity space, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal proposal includes revised plans dated 23 June 2022 which were submitted at the time of the appeal and after the Council's decision. The amended plans include a material change to the proposal, namely altering the layout of the duplex flat to reduce the floorspace of one bedroom. They also provide clarification regarding the extent of the single storey rear extension which was a clarification included on a previous iteration of the drawings provided to the Council shortly before they made their decision, but not referred to in the decision letter. I have accepted these drawings as they do not change the scheme in so far as the rear extension, and the amendment to the layout is an internal alteration, and therefore no other parties would be prejudiced by my consideration of them.

Main Issues

3. The main issues in this appeal are:
 - The effects of the proposal on the character and appearance of the appeal property and area;
 - Whether the proposal would provide adequate living conditions for future occupants, with particular regard to internal space provision; and
 - The effects of the proposal on the living conditions of the occupants of Nos 46 and 50 Conduit Way, with particular regard to sunlight, daylight and outlook.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached dwelling with a hipped roof and prominent front gable which is broadly symmetrical in appearance to the adjoining dwelling. The area surrounding the appeal site includes a mix of dwelling types and materials, including semi-detached and terraced dwellings with a variety of brick and rendered exteriors. However, rooflines consisting principally of hipped roofs are a formative feature of the area's character.
5. The proposed two-storey extension would include a crown roof which, whilst partly concealed by the presence of buildings, would be visible within the street scene and from the rear gardens of surrounding sites. Due to the differences in the proposed and existing roof form, the two-storey extension would appear to relate poorly to the appeal property and would be out of keeping with the prevailing roof form of the area.
6. The appeal property occupies a wide plot relative to most other dwellings in the street. Whilst the proposal seeks to make more efficient use of the site, the proposed front projection together with the two-storey side extension, would appear visually dominant and would alter the form of the appeal property to the detriment of its appearance. The proposal has sought to achieve a frontage which is reflective of an extended semi-detached property with a single communal door. However, this has resulted in a design which would appear excessive in scale and out of keeping with the street scene.
7. The appellant's statement has drawn my attention to a new dwelling formed through a two-storey addition to No 45. I was able to observe the dwelling on my site visit which appears as an addition to the terrace row and is consistent in scale and form with other dwellings within the row. The two-storey dwelling proposed is therefore materially different from the appeal case.
8. Consequently, the proposal would harm the character and appearance of the appeal property and the surrounding area. The proposal would not therefore comply with Policy DMP1 of the Brent Local Plan 2019-2041 (2022) (BLP), which requires proposals to be of a layout, scale and design that complements the locality. In addition, the proposal would not reflect the design guidance contained in Residential Extensions & Alterations Supplementary Planning Document 2 (2018) (SPD2) which requires the pitch angle of two-storey extensions to match the pitch angle used on the main roof of the house.

Living conditions of future occupants

9. As indicated in the reasons for refusal the proposed duplex flat, as shown on the plans on which the Council's decision was based, would not satisfy the minimum floor area standards set out at Policy D6 of the London Plan (2021).
10. As set out above, I have accepted revised plans which include an amended layout with one bedroom reduced in area to form a single occupancy room. This would reduce the total occupancy of the duplex flat to up to five persons. The revised plans state that the proposed duplex flat would have a total floor area of approximately 92.6 sqm.
11. The proposal would constitute a very slight shortfall of just 0.4 sqm against Policy D6's requirement of 93 sqm for a three-bedroom five-person dwelling.

Nevertheless, the London Plan is clear that the space standards should be applied to all new self-contained dwellings as a minimum standard.

12. Consequently, the proposal breaches the minimum standard and would not secure adequate living conditions for future occupants. The proposal would therefore conflict with London Plan Policy D6 which requires housing development to be of high-quality design and provide adequately sized rooms, and BLP Policy DMP1 which requires proposals to be of a layout and design that provides high levels of internal amenity.

Living conditions of occupants of neighbouring properties

13. The rear gardens of the appeal property and neighbouring properties broadly face south-east and therefore receive good amounts of sunlight. The Council has raised concerns that the siting of the two-storey section of the rear extension, unchanged from a previous application, would not comply with the '1:2 rule' set out in SPD2. The 1:2 rule requires that the depth of any two-storey rear extension is restricted to half the distance between the side wall of the extension and the middle of any neighbours nearest habitable room window to ensure any loss of amenity and light to neighbouring properties is kept within reasonable limits.
14. From my site visit I was able to identify the nearest habitable room window at No 46. On review of the plans, the centre of the nearest habitable room window appears to be around 4m from the side wall of the proposed extension. The depth of the two-storey element of the rear extension is around 2m. The proposal does not therefore appear to exceed the 1:2 rule. As I have found the proposal would comply with the 1:2 rule, I consider the proposal would not adversely affect daylight or outlook for the occupants of No 46.
15. The delegated report provides an assessment of the effects of the depth of the proposed single-storey rear extension based on correct dimensions. The proposed extension will be positioned on the boundary with No 50 but its depth would be reduced to 3m when it is within 2.1m of this boundary and would not therefore adversely affect the outlook of occupants of No 50.
16. I am therefore satisfied the proposal would not harm the living conditions of the occupants of Nos 46 or 50 Conduit Way, with particular regard to sunlight, daylight and outlook. The proposal would therefore comply with BLP Policy DMP1 which requires proposals to provide high levels of internal and external amenity. In addition, the proposal would accord with the relevant design guidance set out in SPD2 which seeks to ensure that extensions do not result in a loss of amenity or light for neighbouring properties.

Other Matters

17. Whilst the proposal would contribute to the area's housing supply, would provide a small economic benefit, utilise sustainable design and construction methods, provide planting, would be accessible, would not exacerbate parking issues, would provide adequate refuse storage and be of low flood risk, such benefits are modest and do not outweigh the harm I have identified above.

Conclusion

18. For the reasons given above, having assessed the case against the development plan as a whole and having had regard to all other relevant material considerations, I conclude that the appeal should be dismissed.

E Dade

INSPECTOR