



Appeal Decision

Site visit made on 7 February 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/T5150/W/22/3298351

34 Oldfield Road, London NW10 9UE

- 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 W Weinberg against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/2834, dated 22 July 2021, was refused by notice dated 21 January 2022.
 - The development proposed is described on the application form as, "Proposed rear dormer and outrigger with three front rooflights".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Procedural Guide: Planning appeals – England makes clear that if an appeal is made it is important that what is considered by the Inspector is essentially what was considered by the Local Planning Authority, and on which interested people's views were sought. In this regard, the plans submitted by the appellant did not show a communal area kitchen at second floor level despite both parties referring to such an area as being part of the proposal. Therefore, I requested, and the Council subsequently provided, copies of the final plans that the application was determined on. These plans show a communal area kitchen. I have assessed the proposal on the basis of these plans.
3. Since the determination of the application the Council adopted the Brent Local Plan 2019-2041 (adopted 2022) (Local Plan), which revoked the Development Management Policies Plan (2016). I have had regard to newly-adopted Local Plan in my decision.

Main Issues

4. The main issues are:
 - whether the proposed development would provide satisfactory living conditions for the future occupiers of 34 Oldfield Road, with particular regard to private internal space; and
 - the effect of the proposed development on the character and appearance of the host property.

Reasons

Living Conditions

5. The appeal site comprises 34 Oldfield Road (No 34), a 2-storey mid-terrace property situated in a residential area, which is currently in use as a 5 bedroom House in Multiple Occupation (HMO).
6. The communal area kitchen, proposed to be situated at second floor level at No 34, would be a separate room, rather than being positioned within the proposed Bedroom 6. Consequently, although it would be on the same floor as Bedroom 6, it would be accessible to all the future occupiers of the property. On this basis, I consider that the Council's concern that the communal area kitchen at second floor level would be used exclusively by the future occupants of Bedroom 6 has not been substantiated.
7. I note that part F 8) of Policy D6 of The London Plan (published 2021) applies to all residential accommodation that is self-contained, rather than HMO accommodation. However, paragraph 5.11 of the Houses in Multiple Occupation Supplementary Planning Document (adopted 2022) (HMO SPD) provides that, amongst other things, given the importance of bedrooms within HMOs as private spaces to HMO occupants, the Policy D6 net internal floorspace standards are considered the minimum acceptable to gain planning permission. Given this stance taken by the HMO SPD, Policy D6 serves as a useful guideline with respect to the proposal before me.
8. The Council has calculated that the maximum height to the communal area kitchen and Bedroom 6 would be approximately 2.1 metres. In this regard, although the appellant has asserted that the proposed Bedroom 6 would meet HMO standards, the appellant has not provided any floor to ceiling height measurements to substantiate this. Nor have any figures been provided to illustrate the percentage of the property which would have a floor to ceiling height of 2.5 metres.
9. Therefore, on the basis of the limited information before me, it is unclear whether the proposal conforms with the guideline given in part F 8) of Policy D6, that the minimum floor to ceiling height must be 2.5 metres for at least 75 per cent of the Gross Internal Area of each dwelling, taking account of paragraph 3.6.3 of The London Plan which mentions that, amongst other things, to allow for some essential equipment in the ceilings of kitchens and bathrooms, up to 25 per cent of the gross internal area of the dwelling can be lower than 2.5 metres. Hence, it has not been shown that the proposed accommodation would be of adequate quality, especially in terms of sense of space.
10. I therefore find that it has not been demonstrated that the proposed development would provide satisfactory living conditions for the future occupiers of No 34, with particular regard to private internal space. The proposal would conflict with part a) of Policy DMP1 of the Local Plan which provides that, amongst other things, development will be acceptable provided it is of a design that provides high levels of internal amenity, and with part b) of Policy BH7 which provides that, amongst other things, proposals for student accommodation, non-self-contained or self-contained residential accommodation with shared facilities or on-site support/care to assist residents

in their daily lives will be supported where the development is of an acceptable quality meeting appropriate standards for the needs of its occupants.

Character and Appearance

11. No 34 forms part of a terrace of similarly-designed properties. Although variation exists, the majority of the properties in the vicinity of No 34 are broadly similar to No 34 in terms of their roof forms and the scale and massing of their rear projections.
12. In this context, in visual terms the rear dormer comprising Bedroom 6 would conform to the example given in Figure 11 of Residential Extensions & Alterations (SPD 2) (adopted 2018) with respect to full-width rear dormer windows. However, the proposed link dormer above the outrigger would project over a rear projection, which SPD 2 specifically advises should not normally be permitted.
13. Due to its proposed width, depth, and height, the proposed link dormer above the outrigger would be a sizeable addition to the outrigger. In the mostly homogenous context described above, the proposed link dormer above the outrigger would appear as an incongruous and over-dominant feature. Considering this, and that the rear dormer element comprising Bedroom 6 would rise above the proposed link dormer above the outrigger, the proposal as a whole would serve to noticeably disrupt the currently-legible form of its host property. Harm to its character and appearance would thereby result.
14. I therefore find that the proposed development would have an unacceptable and harmful effect on the character and appearance of the host property. It would conflict with Policy BD1 of the Local Plan which provides that, amongst other things, all new development must be of the highest architectural and urban design quality.

Other Matters

15. The proposal would provide an additional bedroom with an en-suite on site. This limited uplift in the amount of bedrooms at No 34 would not overcome the totality of harm identified. Hence, the overall conflict with the development plan would remain.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR