



Appeal Decision

Site visit made on 22 February 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 April 2023

Appeal Ref: APP/T5150/W/22/3302176

335 Church Lane, Brent, London NW9 8JD

- 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 Majid Properties Ltd against the decision of London Borough of Brent.
 - The application Ref 22/0827, dated 3 March 2022, was refused by notice dated 9 May 2022.
 - The development proposed is the conversion of a single residential dwellinghouse to two self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect the proposed development would have on the supply of family housing with particular regard to public transport accessibility, and whether the proposed development meets fire safety standards.

Reasons

Supply of family housing and transport accessibility

3. The appeal site is a two-storey 4-bedroom terraced dwelling situated in a row of properties in a residential area fronting onto Church Lane. The appeal is for the conversion of the property into two self-contained flats, one two-bedroom flat on the first floor and one three-bedroom flat on the ground floor with direct access to the rear garden.
4. Policy BH4 of the London Borough of Brent, Brent Local Plan 2019-2041 (2022) (BLP) supports development for small sites and small housing developments in priority locations of a Public Transport Accessibility Level (PTAL) rated 3-6, intensification corridors, or on a town centre boundary that meets certain criteria. The aim of this policy is to support new development in areas with good access to public transport.
5. The Council state that the appeal property is located within an area rated as PTAL 2 which has poor public transport accessibility. However, I saw on my site visit that the appeal property is near to day-to-day local community facilities, services and with opportunities to travel other than by private motor vehicle. I noted a bus stop with frequent bus service in a short walking distance to the appeal site and Kingsbury tube station is in close proximity and of a suitable walking distance from the appeal property.

6. Nearby the appeal property there is also Church Lane Recreation Ground, West Hendon Playing Fields and a parade of retail units which would provide day-to-day local community facilities and services. In the absence of substantive evidence of the proposal leading to an issue of higher levels of dependency on the private car, I do not consider that the proposal would result in this higher dependency or be contrary to The Framework aim of moving to a low carbon economy. Although the appeal property is located within an area rated as PTAL 2, the proposed development would be in a location with access to public transport and day-to-day local community facilities which would accord with the aspirations of BLP Policy BH4.
7. Policy BH11 of the BLP seeks to maintain the local supply of 3 bedrooms or more family sized housing and only allows proposals for conversions from family sized homes into two or more other dwellings where it meets three criteria. In this case, the existing dwelling would exceed the 130sqm policy requirement and there would also be opportunity to extend the dwelling, therefore it would satisfy criteria (a). The proposed ground floor flat would result in a 3-bedroom dwelling with access to garden space and satisfy criteria (b). As stated above, the appeal property is in an accessible location so the proposal would also satisfy criteria (c).
8. Although the development would result in the loss of a family sized dwelling, the proposal would still contribute positively to the housing supply in the Borough, with an additional self-contained unit, and it would comply with the criterion as set out in BLP Policy BH11, as such it would not be in conflict with this policy.
9. Consequently, I conclude on balance, that the proposed development would have a limited impact on the supply of family housing in the Borough and would be in an accessible and sustainable location with particular regard to public transport accessibility. As such, the proposal would accord with Policies BH4 and BH11 of the BLP Local Plan 2019-2041. These policies seek to support small housing developments where consistent with the development plan and require the location of new development to be located within key priority areas with good access to public transport.

Fire Safety

10. The Council's reasons for refusal refer to Policy D12A of the London Plan (2021), which requires all new development proposals to achieve high standards of fire safety in line with certain criteria.
11. I have not been provided with substantive evidence in relation to fire safety measures, nor does there appear to be any evidence before me with regards to a strategy for evacuation and whether the proposal is designed to incorporate appropriate features which reduce risk to life.
12. There is a need to demonstrate that fire safety measures could be reasonably provided although further details may still be required by condition, rather than relying on a condition that may not be implementable, or which may result in a requirement to redesign elements of the proposal. Consequently, I am not satisfied that the appellant has adequately demonstrated the appeal scheme would not have an adverse effect on the safety of future users of the proposed development in the event of a fire.

13. Therefore, I conclude that the proposal would conflict with the aims, objectives and requirements of Policy D12A of the London Plan, 2021. This ensures that developments achieve the highest standards of fire safety.

Conclusion

14. Although the appeal scheme is acceptable insofar as it relates to the effect on the supply of family housing with particular regard to public transport accessibility, this does not outweigh the harm on the second issue, relating to fire safety standards. Therefore, the appeal is dismissed.

J Wellstead

INSPECTOR