



Appeal Decision

Site visit made on 22 March 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 11 May 2023

Appeal Ref: APP/T5150/W/22/3306982

32 Mora Road, London NW2 6TG

- 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 Mohamed Mughal against the decision of London Borough of Brent.
 - The application Ref 21/4693, dated 15 December 2021, was refused by notice dated 16 March 2022.
 - The development proposed is change of use of existing C3 dwelling house to form 3 no. dwellings (1 x three bed duplex unit, 1 x one bed duplex unit and 1 x studio unit) together with single storey rear extensions, a rear roof extension and terrace, and front facing roof lights, refuse and recycling bin provision and cycle store in frontage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the intervening period between submitting the planning application and submitting the planning appeal the London Borough of Brent, Brent Local Plan 2019-2041 (BLP), February 2022, was adopted. The Appellant has provided an Appeal Statement which references the BLP and is therefore not prejudiced by its adoption. However, the Planning, Design and Access Statement (PDAS) refers to superseded policies, the arguments made in the PDAS have still been considered.

Main Issues

3. The main issues of the appeal are:
 - whether the proposed development would provide acceptable living conditions for future occupiers with regard to the provision of accessible internal and private external space, and appropriate servicing arrangements;
 - the effect on the living conditions of the residents of 34 Mora Road, with regard to privacy; and,
 - the effect on the character and appearance of the area.

Reasons

Living conditions – future occupiers

4. When the floorspace from the entrance stairs is considered, the upstairs flat still does not meet the internal space standards detailed within Table 3.1 of the Mayor of London, The London Plan, The Spatial Development Strategy for

Greater London (the London Plan), March 2021. I have not been provided with evidence detailing why this shortfall would be acceptable in this instance.

5. Whilst the shortfall in internal space may only be modest, the reliance on staircases to provide a significant proportion of the living space means that the amount of internal space for habitable rooms is very constrained. In turn, this would lead to an unusual internal layout where the third bedroom would be accessed via the largest bathroom. This would be impractical as people using the bathroom would expect some level of privacy and creating a hallway would further restrict the size of the bathroom. As such, the shortfall in internal space would cause harm due to the constrained size of habitable rooms and in this instance, it would lead to an impractical internal layout.
6. BLP Policy BH13 requires all new dwellings to have external private amenity space of a sufficient size and type to satisfy its proposed resident's needs. BLP Policy BH13 identifies that this should be 50 square metres for homes with three or more bedrooms, and 20 square metres for all other homes, situated at ground level.
7. In the absence of evidence otherwise I cannot conclude whether the proposed external space for the one bedroom flat meets the standard outlined within BLP Policy BH13. The external area would be small and accommodate a large cycle store further reducing the amount of usable space. As such, the proposed external space for the one bedroom flat would not be appropriate for a flat of this size.
8. The proposed studio flat would not include any private external amenity space, but it would be serviced by refuse and cycle stores to the front of the appeal site. The provision of ample sunlight and the modest overprovision of internal space would not, individually or in combination, compensate for the lack of external amenity space.
9. Gladstone Park is a significant distance, and over 200 metres, from the appeal site and therefore it is likely to be used infrequently by future residents of the studio flat. Cricklewood Park is located closer to the appeal site than Gladstone Park. Nevertheless, it is small and largely comprises a children's play area. Cricklewood Park is also located the other side of a major road which is difficult to cross other than at the signal controlled crossings. Given the distance to and the size and character of the nearby public open spaces, their presence close to the appeal site would not mitigate the lack of private external amenity space for the studio flat.
10. The proposed access to the ground floor flats, rear refuse and cycle stores is long and very narrow. Regardless of whether the flats would need to be accessible for wheelchair users, given the length and narrowness of the access it would be impractical for all residents and for the provision of services to these properties such as deliveries.
11. Although the opening is narrow, a wheelie bin could be wheeled through behind someone. The distance to the public highway is over the maximum wheeling distance from the highway, as specified in the Brent Waste Management Guidance, 2015. It has been put to me that details of the rear refuse store could be secured by an appropriately worded condition to overcome this concern. However, the application plan shows the store is as close to the highway, as practically possible. Any closer to the front of the property and the

store would be in front of the entrance to the one bedroom flat, blocking the access path or within the area used to service the studio flat. As such, the wheeling distance to the highway could not be reduced by condition. The proposed rear refuse store is therefore too far away from the highway and would lead to inappropriate servicing facilities.

12. A mountain bike would only just fit through the opening without someone stood next to it, wheeling the bicycle. Whilst it would be feasible to manoeuvre a bicycle through the opening, it would be very difficult, and this would disincentivise future residents from using the proposed cycle storage. The access to the cycle store is therefore inappropriate. The proposed rear cycle store is smaller than the required standard, but details of this store could be secured by condition, if the appeal was allowed.
13. I have not been provided with a space standard for open living spaces and the proposed Kitchen Diner Lounge could feasibly accommodate a kitchen and a seating area, which would be commensurate for its proposed use. The size and layout of the proposed Kitchen Diner Lounge is therefore acceptable, in this instance.
14. Likewise, whilst the internal storage is not detailed on the plans, there is sufficient space provided within the bedrooms of the upstairs flat to provide an acceptable amount of full height storage. If the appeal was to be allowed, this would be secured by an appropriately worded condition. As such, there would be sufficient storage space in the upstairs flat.
15. Both parties agree that the proposed three bedroom flat would benefit from more than the minimum required private external amenity space. Although the proposed development is a conversion of an existing house, it would be new development. Whilst most of the external amenity space would be accessed via a set of stairs, the proposed terrace would provide a private amenity space without level change from the main living room. The upstairs flat would be accessed by the entrance stairs and therefore step free access to the whole of the rear garden is not justified, in this instance. The upstairs flat would therefore be provided with acceptable external private amenity space.
16. Overall, I conclude that the proposed development would not provide acceptable living conditions for future occupiers, with regard to the provision of suitable internal and private external space and appropriate servicing arrangements. The appeal scheme would therefore be contrary to BLP policies DMP1 and BH13, which indicate that development will be acceptable provided it provides a high level of internal and external amenity and requires all new development to have external private amenity space of sufficient size to satisfy its proposed residents. The proposed development would also not be in accordance with the guidance contained within Brent Design Guide, SPD1 (SPD1), November 2018, insofar as the proposed development would not provide adequate amenity for new residents.
17. The proposed development would also be contrary to policies D6 and D7 of the London Plan which suggests housing development should be of a high quality design and provide adequately sized rooms and provide suitable housing for London's diverse population. The proposed development would also fail to comply with the Technical housing standards – Nationally described space standard which identifies the minimum requirement for gross internal floor area.

Living Conditions – neighbouring residents

18. The side visual screens on the proposed terrace would restrict sideways views from the terrace but given the low height of the rear barrier there would be direct views across the rear garden and towards the end of neighbouring gardens. The views from the terrace would not be dissimilar to those from existing first floor windows and would therefore not harmfully affect the privacy of neighbouring residents.
19. However, there would be unrestricted views of 34 Mora Road's rear garden and conservatory from the stairs connecting the garden to the terrace. Whilst the stairs are likely to be used for only short periods of time and people aren't likely to stop, they provide a high viewing platform across the garden of No. 34. It has been put to me that overlooking would be due to an anti-social act which cannot be reasonably controlled through the planning process; however, the installation of the staircase would increase the chances of this anti-social act which otherwise would not exist. The use of the stairs would lead to overlooking of No. 34's garden and conservatory and would lead to a loss of privacy for its residents.
20. I conclude that the proposed development would have a harmful effect on the living conditions of residents of No. 34. The appeal scheme would therefore be contrary to BLP Policy DMP1, insofar as it indicates that development will be acceptable as long as it provides high levels of internal and external amenity. The proposed development would also not be in accordance with the guidance contained within SPD1, with regard to protecting amenity for existing residents.
21. Within the fifth reason for refusal, it was also noted that the scheme was contrary to Residential Extensions and Alterations SPD2 (SPD2), January 2018. However, based on the evidence provided to me there is no guidance on a lack of privacy derived from the construction of a roof terrace. It therefore does not weigh in favour or against the proposal.

Character and Appearance

22. 32 Mora Road is an end of terrace property. The properties in this row of terraced houses are relatively narrow and tall and benefit from extensive rear gardens. Several neighbouring properties accommodate extensions and alterations to the rear of the properties and to the roof. A number of these extensions are very large and contribute to a varied roofscape and inconsistent pattern of development to the rear of the properties.
23. The proposed dormer would be set up a small distance from the eaves and down a small distance from the ridge. There would also be a tall extension on top of the outrigger which would abut the proposed dormer. Whilst the dormer and upwards extension would appear as an additional storey to the rear of the property, it would not appear overly bulky or as a dominant addition as it would contribute to the varied roofscape and would be viewed alongside similarly sized extensions.
24. The ground floor extension would extend further into the rear garden and accommodate a terrace on top. The terrace would provide additional visual interest to the rear of the property, and it would not be out of keeping with the varied pattern of development to the rear of the properties. Whilst alone it would not justify the inclusion of a roof terrace, another terrace was present on

a neighbouring property and together these features would provide further visual interest.

25. I conclude that the proposed development would not have a harmful effect on the character and appearance of the area. The appeal scheme would therefore comply with BLP Policy DMP1, insofar as it indicates that development will be acceptable provided it complements the locality. The proposed development is also in accordance with the guidance contained within SPD1, insofar as it advises new development to positively respond to the existing context, and SPD2 which indicates that rear extensions should respect the character and size of the property. The proposed development would also comply with Policy D4 of the London Plan which requires it to be demonstrated that proposals meet the design requirements of the plan.

Other Matters

26. I note the appellant's concerns about the Council's handling of the planning application, but this falls outside of my authority to address and is not a factor in my determination of this appeal.

Conclusion

27. The proposed development conflicts with the development plan policies identified above. Notwithstanding, it would lead to the delivery of housing on a small housing site, which is supported by paragraph 69 of the National Planning Policy Framework. Likewise, the appeal scheme would comply with BLP Policy BH2 which advises areas with higher levels of public transport accessibility levels will be priority locations for the provision of additional homes.
28. It has been put to me that the appeal scheme would help address a shortfall in housing delivery. However, it has not been demonstrated within the evidence that there is a specific and quantifiable shortfall in housing delivery in this area. Nevertheless, the net provision of two dwellings would be a benefit of the scheme. However, on balance the creation of these benefits would not outweigh the identified harm to the living conditions of neighbouring and future residents.
29. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
30. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR