



Appeal Decision

Site visit made on 24 May 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/T5150/W/22/3313088

25 Dors Close, Brent, London NW9 7NU

- 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 Tommy Dunne on behalf of Prointernational Limited against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3334, dated 27 September 2022, was refused by notice dated 22 November 2022.
 - The development proposed is the conversion of the property into 2x3 bedroom self-contained flats with 2 front driveway parking spaces, bins and cycle stores and external amenity.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Within the context of this appeal, it is not for me to determine whether the vehicle crossover and parking area requires planning permission or constitutes development. If the appellant wishes to ascertain whether this element of the appeal would be lawful, regardless of the outcome of this appeal, they may make an application under Section 192 of the Act. In any case, the vehicle crossover and parking area have been applied for and included within the description of development. On this basis, I have taken them into account in coming to my decision.

Background and Main Issues

3. Planning permission¹ has already been granted and implemented for a series of extensions to the property. This scheme also included provision of a vehicle crossover and off-street parking for one vehicle. When I visited the site, I observed some differences between the submitted plans and the development as built, for the avoidance of doubt I have considered appeal on the basis of the submitted plans.
4. Therefore, the main issues of the appeal are:
 - Whether the proposed development is a suitable location for housing having regard to the supply of larger family-sized accommodation and access to public transport;
 - The effect of the proposed development on highway safety; and

¹ Planning Application Ref: 21/4650

- The effect of the proposed development on the character and appearance of the area.

Reasons

Supply of Larger Family Sized Accommodation and Access to Public Transport

5. The appeal site is an end terrace, two-storey house situated on the corner of Dors Close and Doreen Avenue. The property benefits from front and rear gardens. The surrounding area is predominantly residential, with a mix of semi-detached and terraced dwelling, set in spacious plots.
6. The appeal site is located in an area characterised by mostly single-family dwellings. The appellant suggests that there is a mix of family dwellings, purpose-built flats, and conversions in the area. However, my attention has not been drawn to any similar types of development, to that which is proposed, within the immediate area.
7. The proposed development would involve the sub-division of a larger family sized dwelling, to provide 2 self-contained, 3-bedroom, 4 person flats. The flats have been designed to provide family-sized accommodation, each with access to private external amenity space. This would result in the loss of a larger sized family home, for which there is an identified need within the Borough.
8. The principle of conversion of a larger family house to two or more units is supported by Policy BH11 of the Brent Local Plan 2022 (BLP), where certain circumstances apply. Policy BH11 states that the conversion of a family sized home to two or more dwellings will be allowed where the existing dwelling exceeds 130m² or could be acceptably extended to that size; results in at least a 3-bedroom dwelling, preferably with access to a garden; and is within an area with a PTAL rating of 3 or above.
9. It is not disputed that the scheme meets the first two of these circumstances. However, the site is located within an area with poor public transport accessibility and a PTAL rating of 1b, which fails to meet the requirements of this policy.
10. Policy BH4 is also concerned with the supply of housing on small sites, including through conversions. This policy supports new housing development in 'priority locations' which are, areas with a PTAL rating of 3-6, intensification corridors and within town centre boundaries. The appeal site is not within any of these locations.
11. This policy also states that in considering new housing development outside of these priority locations, greater weight will be placed on the existing character of the area, public transport access and the variety of social infrastructure available on foot, when assessing the intensity of development.
12. The conflict with policies BH4 and BH11 arises solely due to the site's location in an area with a PTAL rating of 1b. I acknowledge that a PTAL rating can change significantly within a short distance, and I have had regard to the information submitted by the appellant, by way of example journey times. However, the use of PTAL ratings is the established approach set out in the recently adopted development plan and is widely used across London. As such, I have not been presented with any compelling evidence with regards to the

location which would outweigh the conflict with Policies BH4 and BH11 which seek to direct development to area with a PTAL rating of 3 or above.

13. I acknowledge that the scheme would make a small contribution to housing supply in the Borough, bringing an existing property back into use and I recognise that the two flats would provide accommodation suitable for families. I have had regard to the appellant's case that the site is located in close proximity to good schools, parks and amenities and is an affordable place to live. I also acknowledge that there would be little external evidence to illustrate the conversions, with both flats using the same primary access. However, I am not persuaded that these benefits are unique to the scheme before me and on that basis, they do not outweigh the conflict with Policies BH4 and BH11, in relation to the intensification in the use of the site and its' accessibility of the site to public transport.
14. My attention has been drawn to a scheme which was approved for a single dwelling at Townsend Lane, which had a PTAL rating of 1b. I have only been provided with limited details of this scheme. However, I have been able to draw a comparison only in terms of location, as this particular scheme related to a new-build dwelling and not the conversion or sub-division of an existing property. I have therefore considered the appeal on its own merits.
15. Consequently, I therefore conclude the proposed development would lead to a reduction in the supply of a larger family sized accommodation in a location which does not have good access to public transport. This would conflict with Policy BH4 and BH11 of the BLP, which seek, amongst other things, to direct new housing development to areas with a PTAL rating of 3 or above.

Highway Safety

16. The site is located on a quiet residential street, with limited vehicle and pedestrian movements observed at the time of my site visit. The majority of dwellings in the surrounding area benefitted from some off-street parking. However, I also observed there was also demand for on-street parking. At the time of my site visit, the works to create two car parking spaces had been undertaken. However, the vehicle crossover had not yet been widened.
17. There is some dispute over the precise dimensions of the proposed crossover. However, the plans show that it would be widened to the same width as the parking area, which is approximately 6.2m wide.
18. My attention has been drawn to Brent's Domestic Crossover Policy, which specifies a maximum width of 4.8m for any crossover. However, I have not been provided with a copy of this document. Within the surrounding area I observed several properties with access and parking for multiple cars. However, I have not been provided with details of any planning approvals for these properties.
19. Whilst the crossover would be located close to the corner of Dors Close, the site benefits from good visibility by virtue of the topography of the site. However, I acknowledge there would be some conflict between vehicles existing the driveway and cars parked along the roadside, which exists currently. Nevertheless, approval has already been granted for an access, and therefore, I am not persuaded that the proposed increase in the number of parked vehicles from 1 to 2 would result in harm to highway safety, nor would

there be an unacceptable increase in the likelihood of vehicles colliding with pedestrians or other vehicles.

20. It is noted that there is an existing vehicle crossover a few metres away which the submitted plans indicate would be removed. This accords with the current approval for a single crossover.
21. On this basis, I therefore conclude that the proposal would not cause harm to highway safety. The proposal therefore accords with Policy BT4 of the BLP, which requires access to be safe for all users.

Character and Appearance

22. The site is a corner plot with its primary frontage is onto Dors Close and secondary frontage onto Doreen Avenue, which slopes steeply in an upwards direction along the boundary of the site. Where vehicle crossovers and driveways exist in the surrounding area, these are typically located directly in front of the property. However, the location and topography of 25 Dors Close, means that access directly from Dors Close would be challenging.
23. The Council's third reason for refusal relates to the effect of the widened crossover on the character and appearance of the area. As already noted, the site benefits from planning permission for a single parking space in this location, and this was assessed not to be harmful to the character and appearance of the area. I see no reason to disagree. However, in refusing this current application, the Council considered that the widened crossover, given its excessive width and prominent location would appear visually intrusive and out of character with the area.
24. I acknowledge that the appeal site is not typical of those found in the immediate area due to its corner location. However, the crossover would be viewed in the context of neighbouring properties which front onto Doreen Avenue, many of which have wide crossovers and parking areas. Furthermore, the appeal is seeking approval for an extension to what is an existing approved parking area, as such this would not be of such a scale that it would cause unacceptable harm to the character and appearance of the area.
25. The proposal would retain a higher proportion of soft landscaping to hard landscaping which would comply with the guidance contained within the Residential Extensions and Alterations Supplementary Planning Document 2018 (SPD). The other built features would also remain largely as approved, with the exception of a wider gap in the boundary wall. Accordingly, the increased width would not be a visually intrusive addition to the street scene, and it would not appear out of character with the pattern of development in the wider locality. Taking into account the existing approval, I am not persuaded that the widening of the crossover would be harmful to the character and appearance of the area.
26. Consequently, I conclude that the proposed development would not cause harm to the character and appearance of the area. The proposal therefore complies with Policy DMP1 of the BLP, and guidance contained within the SPD, which requires new development to be of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality.

Other Matters

27. I have had regard to the appellant's supporting case, which indicates that the property purchase occurred prior to adoption of the Brent Local Plan 2022. However, these policies would have been at an advanced stage as the plan was adopted in February 2022, just a month after completion of the purchase. In any case, the adopted plan was in place at the time of the application submission, which is not disputed.
28. The appellant claims that the property was uninhabitable and had been derelict for around 10 years prior to the purchase and that there is a benefit arising from bringing the property back into use, providing family housing. Although this is welcomed, I am not persuaded that this benefit could not be achieved in an alternative way that would not lead to conflict with the development plan.
29. I have had regard to the appellant's statement that the property was found to be structurally unsound, and required extensive renovation, including new foundations. The appellant therefore claims that based on current market conditions and high construction costs, that the scheme is unviable if the property is to be retained as a single-family dwelling. It has been put to me that the creation of two flats would make the scheme viable. Whilst I acknowledge that construction costs have risen steeply in recent years, I have not been presented with any viability evidence to substantiate this claim. I therefore afford this very limited weight.
30. The Council has raised no objection to the scheme in relation to the standard of accommodation to be provided, nor has it raised any concerns regarding the impact on the residential amenity of neighbours. However, these are neutral factors that neither weigh for or against the proposal.
31. I have had regard, in so far that they relate to the main issues of this appeal, to the submission of third-party objections to the scheme, which included concerns relating to size of the extensions, level of occupancy, effect on character and appearance, loss of trees and plants and highway safety concerns. I also acknowledge that a letter of support has been submitted by a third party. These do not alter my findings.

Conclusion

32. For the reasons given above, having regard to all the policies brought to my attention, the conflict with Policies BH4 and BH11 of BLP leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal is dismissed.

K Lancaster

INSPECTOR