



Appeal Decision

Site visit made on 15 June 2023

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2023

Appeal Ref: APP/T5150/W/22/3309611

31 Ballogie Avenue, Brent, London NW10 1SU

- 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 Abe Kantor against the decision of London Borough of Brent.
 - The application Ref 22/1366, dated 12 April 2022, was refused by notice dated 28 July 2022.
 - The development proposed is a hip to gable loft extension to facilitate an additional HMO room.
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Decision

1. The appeal is allowed and planning permission is granted for a hip to gable loft extension to facilitate an additional HMO room at 31 Ballogie Avenue, Brent, London NW10 1SU in accordance with application, Ref 22/1366, dated 12 April 2022, subject to the conditions set out in the schedule to this Decision.

Application for costs

2. An application for costs was made by Mr Abe Kantor against the London Borough of Brent. This application is the subject of a separate decision.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers.

Reasons

4. The appeal site comprises one half of a pair of semi-detached properties located within a residential area in use as a House in Multiple Occupation (HMO). The ground floor accommodates two rooms and a communal kitchen that leads out to a garden. The first floor includes additional rooms and a small kitchen.
5. The proposed development is for alterations to the roof and a rear dormer window to provide an additional room, resulting in a net increase in the number of rooms and occupants from 4 to 5. The ground floor and first floor layouts would remain largely unaltered.
6. The Council's representations are based on qualitative judgements as to the nature of the internal living accommodation, namely the adequacy of the communal spaces.
7. I acknowledge that the corridor essentially wraps around one of the ground floor rooms and the proposal would result in the increase in the number of

occupiers. However, the ground floor layout would remain unchanged and in relative terms I am not persuaded that an increase in the number of occupiers by a single person would materially affect the living conditions of the occupant of this room.

8. Based on the evidence before me, including my observations during the site visit, the ground floor kitchen is of a reasonable size comfortably accommodating a family sized dining table and chairs. In my judgement it provides a functional and adequately sized space for existing and future residents to spend time in preparing and eating meals or undertaking recreational activities. The first-floor kitchen, whilst on the small side, still provides a reasonable space for a couple of residents to prepare food or drinks and dine in. In my view it adequately complements the ground floor kitchen benefitting occupants.
9. As such, the proposed development would not result in cramped or crowded spaces. Rather it would provide adequate living conditions for existing and future occupiers in accordance with Policies DMP1 and BH7 of the Brent Local Plan (2022) and Policy D6 of the London Plan (2021) which, amongst other things, require developments to provide a high level of internal amenity that is of an acceptable quality meeting appropriate standards for the needs of its occupants, including appropriate communal facilities and adequately-sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners.

Other Matters

10. I am mindful that planning permission¹ has been granted for a 5 bed 5 person HMO. There is nothing to suggest that this permission is not extant therefore it represents a legitimate fallback position. However, as I have found the proposals acceptable on their own merits it is not determinative in consideration of this appeal.
11. The Council refer to a potential deviation from the previous planning permission in respect of the size of the window serving room 2. However, this is not a matter which is before me as part of this appeal, and it has not influenced my decision.

Conditions

12. I have considered the imposition of conditions in accordance with the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition in relation to external materials of the roof alterations and dormer window is necessary in order to ensure the satisfactory appearance of the development.

¹ Planning application Ref: 18/4850

Conclusion

13. For the reasons set out above the appeal succeeds.

B Thandi

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing Number 031BA-A-01-001; Block Plans Drawing Number 031BA-A-01-002; Existing Front Visualisation Drawing Number 031BA-A-02-001; Existing Rear Visualisation Drawing Number 031BA-A-02-002; Existing Ground Floor Plan Drawing Number 031BA-A-03-001; Existing First Floor Plan Drawing Number 031BA-A-03-002; Existing Loft Floor Plan Drawing Number 031BA-A-03-003; Existing Roof Plan Drawing Number 031BA-A-03-005; Existing Section A-A Drawing Number 031BA-A-05-001; Existing Section B-B Drawing Number 031BA-A-05-002; Existing East Elevation Drawing Number 031BA-A-06-001; Existing West Elevation Drawing Number 031BA-A-06-002; Existing North Elevation Drawing Number 031BA-A-06-003; Existing South Elevation Drawing Number 031BA-A-06-004; Location Plan Drawing Number 031BA-A-01-001; Proposed Front Visualisation Drawing Number 031BA-A-02-101; Proposed Rear Visualisation Drawing Number 031BA-A-02-102; Proposed Ground Floor Plan Drawing Number 031BA-A-03-101; Proposed First Floor Plan Drawing Number 031BA-A-03-102; Proposed Loft Plan Drawing Number 031BA-A-03-103; Proposed Roof Plan Drawing Number 031BA-A-03-104; Proposed Section A-A Drawing Number 031BA-A-05-101; Proposed Section B-B Drawing Number 031BA-A-05-102; Proposed East Elevation Drawing Number 031BA-A-06-101; Proposed West Elevation Drawing Number 031BA-A-06-102; Proposed North Elevation Drawing Number 031BA-A-06-103 and Proposed South Elevation Drawing Number 031BA-A-06-104;
- 3) The materials to be used in the construction of the external surfaces of the proposed development hereby permitted shall match those used in the existing building.