



Appeal Decision

Site visit made on 6 June 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/T5150/W/22/3308554

3 Oldborough Road, Brent, Wembley HA0 3PP

- 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 Zakir Ismail against the decision of the London Borough of Brent.
 - The application ref. 22/0547, dated 6 February 2022, was refused by notice dated 12 April 2022.
 - The development proposed is the conversion of side garage into 1x self-contained unit with associated private amenity space and external alteration involving the replacement of the garage door with window; replacement single storey rear extension following demolition of existing rear conservatory extension.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of side garage into 1x self-contained unit with associated private amenity space and external alteration involving the replacement of the garage door with window; replacement single storey rear extension following demolition of existing rear conservatory extension at 3 Oldborough Road, Brent, Wembley HA0 3PP in accordance with the terms of the application, ref. 22/0547, dated 6 February 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. Since the Council's decision, the Public Transport Access Level (PTAL) for the appeal site has been amended from PTAL 2 to PTAL 3, following the introduction of bus service no. 483 along East Lane. Both the Council and appellant have had opportunity to comment on this change. Thus, I have had regard to the PTAL change when making my decision.

Main Issue

3. The main issue is whether the proposed development would result in the loss of a family home.

Reasons

4. Policy BH4 of the London Borough of Brent Local Plan 2022 (LP) seeks, amongst other things, to support residential conversions that deliver a net addition of self-contained dwellings within priority locations of PTAL 3-6. The proposed development, by virtue of it comprising a conversion resulting in a net gain of one residential unit in a PTAL 3 area, accords with this policy.
5. LP Policy BH11 seeks to maintain family sized housing. Where the conversion of a family sized home, of 3 bedrooms or more, to two or more other dwellings is

proposed, LP Policy BH11 requires three criteria to be met. Based on the evidence before me, no. 3 has in excess of three bedrooms. Having regard to its size, no. 3 is considered a family sized home for which I understand there is an identified need in this area.

6. The first criteria within LP Policy BH11 requires the existing home to be 130sqm or more. Based on the evidence submitted, no. 3 has a gross internal area of approximately 191.4sqm, above the threshold set by LP Policy BH11. The third criteria requires that the site is within an area of PTAL 3 or above. Due to recent changes, the site is now within PTAL 3.
7. The second criteria requires any such development to result in at least a three bedroom dwelling, with direct access to a garden area. The proposed development is contained within the ground floor of no. 3 and does not therefore affect the upper floor layout of the property. The development would retain no. 3 as a family sized home with a minimum of three bedrooms, whilst creating an additional 1 bedroom residential property. Both properties would have direct access to their own private, rear gardens. Consequently, there would be no loss of a family sized home as a result of the proposed development.
8. For the reasons given above, the proposed development would not result in the loss of a family sized home and therefore complies with Policies BH4 and BH11 of the LP, as set out above.

Conditions

9. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance. For the avoidance of doubt, development needs to be carried out in accordance with the statutory time limit and approved plans.
10. I have imposed two conditions requiring the submission of a scheme of hard and soft landscaping and landscaping implementation. This would fulfil the requirements of LP Policy BT2, in relation to maximum parking standards and provision of adequate soft landscaping.
11. The Council have suggested the hard and soft landscaping condition refers to the maximum parking standards applied within LP Policy BT2. The frontage of no. 3 is already largely block paved and the submitted plans demonstrate it can accommodate three parking spaces. LP Policy BT2 seeks to secure maximum standards for new development only. It would therefore be unreasonable to attach a condition that would reduce the parking provision for the existing property as part of the development proposal.
12. I have also imposed a condition relating to the provision of bicycle and bin storage. Cycle storage is necessary in order to fulfil the requirements of Policy T5 of the London Plan 2021, which seeks to create a healthy environment in which people choose to cycle. Bin storage arrangements are necessary to achieve good refuse management. This condition would require the appellant to submit details of the cycle and bin storage to the Local Planning Authority prior to the occupation of the development.
13. The Council have suggested that cycle and bin storage is included within the hard and soft landscaping condition. The cycle and bin storage structures are

standalone structures, which are not integral to the hard and soft landscaping proposals. Therefore, it is appropriate to impose a separate condition to secure the necessary storage requirements.

Conclusion

14. Given my findings above, the proposal accords with the development plan when taken as a whole. There are no other material considerations, including the Framework, that indicate that the development should be determined otherwise than in accordance with the development plan. For the reasons given, I conclude that the appeal should be allowed.

S Pearce

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: Site Location Plan; Proposed Site Plan; Proposed Elevations drawing no. 1; Existing and Proposed Ground Floor Plans drawing no. 2; and, Existing and Proposed Roof Plan drawing no. 3.
- 3) Notwithstanding condition no. 2, prior to the occupation of the hereby permitted development details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. These details shall include vehicle parking layouts and boundary treatment. The landscaping works (except planting) shall be carried out in accordance with the approved details before any part of the development is first occupied. The approved parking layout shall thereafter be kept available at all times for the parking of vehicles.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) Prior to the occupation of the hereby permitted development, cycle and bin storage shall be provided in accordance with a scheme that has first been submitted to and approved in writing by the Local Planning Authority, and shall be permanently retained as such thereafter.

End of Schedule