



Appeal Decision

Site visit made on 25 June 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 27 July 2023

Appeal Ref: APP/T5150/W/22/3307786

40 Meadow Garth, Brent, London NW10 0SJ

- 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 Dr Abdulla Kalian against the decision of Brent Council.
 - The application Ref 22/1912, dated 23 May 2022, was refused by notice dated 26 July 2022.
 - The development proposed is the proposed conversion of single dwellinghouse to two self-contained flats.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Dr Abdulla Kalian against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. Two sets of plans were submitted showing different layouts of the proposed ground floor flat. However, the appellant has clarified that the plan titled 'Alternative Rooms 3 and 4', Ref A-P_FA_1-7_R0(P7) is not intended to show an alternative layout to the proposal, but was a Design Statement labelled in error, intended to show the adaptability of the property.
4. I have therefore made my assessment of the scheme on the plan titled 'Proposed Plan Flat 40A' Ref A-P_FA_1-6_R0(P2). This largely shows the current 'as-built' situation at the property, with the exception of the proposed rooflight and partition wall that are not currently in place. Submitted plans also show the presence of front porches. However, the appellant is clear that the erection of porches does not form part of the proposal before me and I have proceeded on this basis.
5. Significant information has been presented on the planning history of the site, including recent enforcement action taken. However, I must assess the scheme as it appears before me on its own planning merits, based on the submitted plans relative to this appeal, and in accordance with current planning policy.

Main Issues

6. The main issues are the effect of the development on: the living conditions of future occupiers with regards to outlook, ventilation and light; and the housing mix of the area.

Reasons

Living conditions

7. The appeal site comprises a two storey semi-detached dwelling with rear garden in the Meadow Garth cul-de-sac, located within a primarily residential area. The proposal relates to the sub-division of this dwelling into two flats at the site. I observed on my visit that this sub-division has taken place.
8. The ground floor flat comprises a bathroom, WC, kitchen, lounge and three further rooms. The main parties agree that adequate floorspace is provided. However, it remains that the dimensions of the kitchen are such that it cannot accommodate a dining space. To address this, it is proposed that the central hallway of the dwelling be used as a dining room.
9. I observed that this area can comfortably accommodate a dining table due to its wide dimensions but that, given its central position, there are no external windows directly serving it. While rear French doors are present, these are separated from the main dining space by a narrow corridor and are partially obscured by the built form of the WC. Although there is also a kitchen window and a rooflight proposed in Room 3, the layout is not fully open plan, with these rooms linked to the dining space by narrow openings. Accordingly, the light, outlook and ventilation provided to the central dining room would be limited. With the exception of limited reference to Building Regulations, no substantive technical assessment on the above matters has been provided by either party. Nevertheless, on the information submitted and on my observations at the site, I find that the dining space is gloomy and enclosed with limited ventilation, such that it would unduly impact living conditions.
10. The 'Proposed Plan Flat 40A' drawing shows Room 3 as the lounge, directly served by a single rooflight. There is nothing before me to suggest this would provide inadequate ventilation to Room 3 given its dimensions relative to the room. However, despite these dimensions, its siting in a recess at one side of the room would limit the natural light that would reach the wider lounge, particularly that part furthest from the glazing. This rooflight would be on a flat roof, providing a severely restricted outlook to the lounge. With no other external windows proposed in this room it would feel oppressive by virtue of the limited light and outlook provided by the single rooflight. This, in turn, would negatively impact residents' use and enjoyment of this space.
11. The submitted Design Statement shows the lounge in an alternative position, located in Room 4 and served by the large bay window that would ensure adequate light, outlook and ventilation in this position. However, it remains that Room 3, which is shown in the Design Statement as an office, would be served by the single rooflight. Even acknowledging the smaller dimensions of Room 3 in this drawing, for the above reasons the single rooflight would result in the same sense of oppression as in the lounge on the 'Proposed Plan Flat 40A' drawing due to the limited light and outlook it would afford the room.
12. For the reasons given above I find that the proposal would have a significant adverse effect on the living conditions of future occupiers, with regard to outlook, light and ventilation. As such, it would fail to comply with Policy DMP1 and BH11 of the Brent Local Plan 2019-2041 (the BLP) insofar as they seek to ensure development provides high levels of internal amenity.

Housing mix

13. Policy BH11 of the BLP states that the conversion of a family sized house, being a house of three bedrooms or more, to two or more dwellings will only be permitted if: the existing house is 130sqm or more; the conversion results in at least a three bedroom dwelling, preferably with direct access to a garden; and it is in an area of PTAL 3 or above. Although the appeal property has been sub-divided into two flats for some time, on the basis of the evidence before me its lawful use remains as a single family sized dwelling, such that its conversion must be assessed against the provisions of Policy BH11 and will only be permitted if all limbs of this policy test are met.
14. The appeal property is greater than 130sqm, meeting the first element of this test. The conversion would result in a flat at ground floor, being a three bedroom dwelling with direct access to a rear amenity space, and a flat at first floor, being a one bedroom dwelling. However, the supporting text to Policy BH11 is clear that other amenity factors will be taken into account in deciding whether an existing family sized dwelling has the potential to provide a good family environment.
15. I have found inadequate outlook, light and ventilation at the ground floor flat. As such, notwithstanding the amount of bedrooms proposed, the provision of this flat would not be a benefit of the scheme that, even when taken with the in principle provision of an additional unit of accommodation at first floor, would outweigh the loss of suitable family housing. The appellant has stated that the house is overly large and not fit for purpose as a single family dwelling given its inadequate internal amenities. However, even acknowledging the current dimensions of the kitchen and lounge that would serve the site as a single dwelling, nothing substantive has been submitted or was noted on site demonstrating this to be the case.
16. Although there is a dispute between the main parties as to the PTAL rating of the site, the PTAL map clearly demonstrates that it is located in an area with a rating of PTAL 2. This is a material consideration. I observed the proximity of bus stops served by various routes that have been taken into account in the PTAL rating. I further noted a bus stop served by routes 18 and N18 some ten minutes' walk from the site, in addition to surrounding areas of public space as highlighted by the appellant and the nearby Stonebridge Park station.
17. However, even acknowledging the presence of these features and the range of other PTAL ratings nearby, on the basis of the information before me the site remains in an area with a rating of PTAL 2, contrary to the requirement of Policy BH11. In any event, even if I were to find that the area had a different PTAL rating, it remains that my findings on the quality of accommodation provided by the proposal would result in the scheme failing to accord with all tests outlined in Policy BH11.
18. For the reasons given above I find the proposal would have an adverse effect on the housing mix of the area. As such, it would fail to comply with Policy BH11 of the BLP insofar as it seeks to maintain family sized housing.

Other Matters

19. Plans show the rear garden would be available as external amenity space for the ground floor flat, but that no such space would be provided for the first

floor accommodation. The Council is clear the proposal was not refused due to a lack of external amenity space, citing the possibility of subdividing the garden and advising that if internal amenity is of high quality, a lack of such space at the first floor flat may be acceptable. The appellant is clear that it has no intentions to subdivide the space. However, no concerns have been raised regarding the internal accommodation provided in the first floor flat, and I note several external public spaces are located close to the site. As such, given the Council's comments, the lack of external amenity space at this flat would not result in harm to the living conditions of future occupiers.

20. The appellant has stated that the proposal would allow the best use of the facilities to suit their personal circumstances as the current owners. However, personal circumstances attract limited weight in the planning balance and in this instance do not outweigh the harm identified. The appellant further refers to the fact that current and future occupiers could provide alternative layouts to the scheme, including a wider skylight and different partition. However, I must assess the scheme as it appears before me.
21. While concerns have also been raised regarding the provision of cycle storage, refuse storage and soft landscaping at the site, had the scheme been acceptable in all other aspects, I am satisfied these could have been addressed by an appropriately worded condition.
22. I note the court proceedings relating to the property. However, this does not have any bearing on the planning merits of the proposal.

Conclusion

23. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR