



## Appeal Decision

Site visit made on 4 September 2023

**by R Major BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 September 2023**

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**Appeal Ref: APP/T5150/W/23/3318737**

**27 Dollis Hill Lane, Brent, London NW2 6JH**

- 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 Raja Fayez against the decision of London Borough of Brent.
  - The application Ref 22/3488, dated 7 October 2022, was refused by notice dated 6 December 2022.
  - The development proposed is conversion of single dwelling house into 2x3-bed residential flats with associated amenity space, cycle parking and refuse & recycle storage. Two storey part single storey side extension. Single storey rear extension. Demolish rear out-building.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposed floor plans submitted with the planning application show an obscurely glazed ground floor window in the side elevation serving a bedroom within proposed Flat 1. This window was not included on the proposed elevational drawing submitted with the planning application. Nevertheless, it is clear from the decision notice and officer report that the Council assessed and determined the application on the basis that this window would be provided.
3. As part of the appeal the appellant has submitted an amended elevational drawing (XEVA/27DHL/115 issue A) to show this obscurely glazed window in the ground floor side elevation. I do not consider that interested parties have been prejudiced by the submission of this amended drawing, and therefore I have determined this appeal in accordance with the amended elevational drawing.

### Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the host dwelling and the area;
  - whether the proposed development would provide acceptable living conditions for future occupiers, with regard to outlook and daylight; and
  - whether the proposal makes adequate provision for off-street parking.

## Reasons

### *Character and appearance*

5. The appeal relates to a semi-detached dwelling on Dollis Hill Lane. The street is characterised by semi-detached properties set back from the highway with gardens and/or off-street parking provision to the front. The style and design of the properties appears to draw from the Arts and Crafts movement with the majority of dwellings having a hipped roof and distinctive two storey bay windows.
6. As originally built, each pair of semi-detached dwellings would have been symmetrical in appearance, however due to modern alterations, mainly side extensions and hipped to gable roof enlargements, some of this symmetry to the street scene has been lost. Nevertheless, original design features are still evident on nearly all properties, resulting in a pleasant and attractive street scene.
7. The appeal property has side and rear dormer extensions in the roof. The property also has a single storey side and rear extension, and a side car port, which attach, along the shared boundary, to similar extensions found to the side of number 29. The properties on this side of Dollis Hill Lane are generally set below road level, and this results in the first-floor levels of the properties being highly prominent as they are close to eye level when viewed from the street. A large street tree is located directly to the front of the appeal site and this is a common feature along this highway, and the street trees make a positive contribution to the visual quality and greenery of the street scene.
8. The proposed two storey side and rear extension, with its flat roof design, would not only fail to replicate the existing hipped roof design of the appeal property, but also the street scene in general. The visual impact would be exacerbated by the appeal property being set below the road level, which would result in the proposed flat roof element at first floor level being more visible and prominent from street level.
9. It is recognised that a large number of properties on this street, including the appeal property, have single storey side extensions with flat roofs. However, the introduction of a flat roof at first floor level would be an alien and incongruous feature that would be significantly more harmful to the host property, and the character and appearance of the area, than the existing single storey extensions.
10. The appellant has commented that the proposed two storey side and rear extension cannot accommodate a hipped roof design because of the existing side dormer. Whilst I acknowledge this point, it is not a justification for a design that would be harmful to the character and appearance of the host property and surrounding area. The appellant also contends that the extension is small, would be set back from the street and that the locality does not offer passage to volumes of people.
11. Whilst the proposed extension would have a modest projection from the side elevation and would be set back from the street, as mentioned earlier, as a result of the existing topography the proposed extension would be highly visible from street level, for both pedestrians and vehicle users. Furthermore, this highway is a relatively busy road consisting of residential dwellings, as well

as being located on a bus route and provides access to the nearby Gladstone Park. On my site visit I observed a high number of vehicles and pedestrians using this road and thus I do not agree that the location does not offer passage to volumes of people. In any case, the volume of people passing the appeal site is not a justification for development that would be harmful in terms of its design.

12. In view of the above, the appeal scheme is contrary to the objectives of Policy BD1 of the Brent Local Plan (2019-2041) (BLP), which requires all new development to be of the highest architectural quality. The proposal also conflicts with the guidance contained within the Brent Residential Extensions and Alterations Supplementary Planning Document 2 (January 2018), which states that flat roofs are unacceptable on two storey side extensions, and two store side extensions should have a hipped side roof plane where the existing roof is hipped. The proposal would also be contrary to paragraph 134 of the National Planning Policy Framework (the Framework), which states that development that is not well designed should be refused.
13. In coming to the above view, I note that Policy BD1 of the BLP is not referenced within the Council's reason for refusal on the Decision Notice. Nevertheless, a copy of this policy has been provided by the Council as part of their submission and is relevant to the appeal, and I have therefore referred to it in my decision.

*Living conditions of future occupiers*

14. The appeal proposal would provide two x three-bedroom flats. Flat 1 would be at ground floor level. Flat 2 would be at first floor level, with an additional bedroom provided within the roof space and existing dormer.
15. One of the bedrooms in the proposed Flat 1 would be served by a window in the ground floor side elevation of the proposed two storey side extension. This would be the only window serving this bedroom and the submitted plans state that the window would be obscurely glazed with the opening section to be positioned 1.7m above floor level. This window would directly face, and be in close proximity to, the existing single storey side extension at No 29 Dollis Hill Lane (No 29), as well as the existing car port situated to the front of this neighbouring extension.
16. Being in such close proximity to the neighbouring property, the future occupiers of this bedroom would have a low level of daylight and a poor outlook from this window, and this would be worsened by the proposed obscure glazing. The appellant has commented that the window could be fitted with Perforated Privacy Window Film which would allow views out of this window, but would prevent views into the room. However, the use of Perforated Privacy Window Film would not overcome the unacceptable level of daylight received, or the unacceptable outlook from this window, as a result of its position so close to the shared boundary and neighbouring dwelling.
17. All other habitable rooms within the proposed flats would benefit from windows within either the front and rear elevation of the property, and thus would provide sufficient levels of natural light and outlook.
18. I am also satisfied that each flat would comply with the Minimum Space Standards for New Dwellings set out in Policy D6 of the London Plan (2021).

Furthermore, each flat would have access to their own area of sufficient outdoor amenity space within the rear garden area.

19. I therefore conclude that the proposed development would not provide appropriate living conditions for the future occupiers of Flat 1 with regard to daylight and outlook, specifically within the bedroom that will be served by an obscurely glazed window in the side elevation facing No 29. The proposal would therefore conflict with Policies BD1 and DMP1 of the BLP, and Policy D6 of the London Plan (2021). These policies seek, amongst other things, to ensure that development is of a high-quality design which provides high levels of amenity and sufficient levels of daylight and outlook. The proposal is contrary to the guidance contained within the Brent Design Guide Supplementary Planning Document 1 (November 2018), which states that new development should ensure a good level of daylight and outlook. Furthermore, the proposal is contrary to paragraph 130(f) of the Framework, which seeks to ensure a high standard of amenity is provided for future users.

#### *Car parking and highway safety*

20. The appeal proposal would convert an existing 4 bedroom house into two x three-bedroom flats, increasing the demand for car parking at this site. The Council has stated that the maximum parking standards referred to in Policy BT2 of the BLP, and Policy T6 of the London Plan, would allow one space for each flat. Notwithstanding that the parking requirements are maximum standards, the requirement for each flat to have one car parking space is an appropriate level of provision in this residential area.
21. The submitted plans show that only one off-street car parking space would be provided and the appellant has stated that this will be used by the ground floor flat, with the first floor flat being 'car-free'. The Council has commented that a 'car-free' flat cannot be enforced in this location as the appeal site is not situated within a year-round Controlled Parking Zone (CPZ), and therefore residents of the first floor flat would be free to park on Dollis Hill Lane, as it is a public highway. Any such planning condition seeking to control this would be unenforceable.
22. The appellant has commented that a Section 106 Legal Agreement could be entered into to secure the first floor flat as 'car-free'. I have, however, not been provided with a Section 106 Legal Agreement to demonstrate the mechanism for securing this, or details of how such a requirement could be effectively and satisfactorily controlled and managed at this site. As such, there is no mechanism before me to secure the first floor flat as 'car-free' and it is unclear how such a requirement could be enforced and monitored outside of a year-round CPZ.
23. As mentioned above, the subdivision of the existing dwelling into two flats would be likely to increase demand for parking in this area, and as the proposal only includes one off-street car parking space, this increase in demand would therefore need to be met on-street.
24. Neither party has provided a parking survey to demonstrate whether or not there is capacity for additional on-street parking on Dollis Hill Lane, and therefore I have made my own assessment on this issue based on my site visit.

25. At the time of my site visit, I noted that a large number of cars were parked on-street and there were very few available spaces on the highway. I observed a number of cars parked in front of dropped kerbs and driveways, and in one case on the footway hampering pedestrian movement. Whilst I appreciate that my site visit was a single snapshot in time, and parking levels may fluctuate at different times during the day, as mentioned earlier I have been provided with no evidence to demonstrate that there is additional on-street parking capacity in this area. Furthermore, my site visit was conducted on a week day during the daytime, when people are more likely to be away from home, and therefore on-street parking in an evening could be even more restricted.
26. Directly outside the appeal site is a pedestrian refuge crossing point which narrows the highway, and double yellow lines to prevent on-street parking to the front of the appeal site and its adjoining neighbour at No 25. In the absence of any on-street car parking, drivers may be tempted to park on the double yellow lines, or temporarily stop there whilst they wait for an alternative space to become available. This would have the potential to obstruct the views of pedestrians crossing the road at the pedestrian refuge, and also obscure the views of crossing pedestrians for oncoming vehicles, to the detriment of highway safety. The existing street tree is situated close to this crossing point, which when combined with a parked vehicle would further restrict visibility for pedestrians and motorists.
27. The Council's Officer Report also states that the cycle provision, being at the rear of the property, would not be accessible from the highway as the passage is too narrow to accommodate bicycles and furthermore bicycles would need to be carried over the external stairs to the front of the property if a car was parked on the driveway. The appellant has stated that to overcome these concerns, cycle parking could be provided at the front of the property. In addition, I consider that the external layout to the front could be slightly altered to provide access for bicycles without them having to be carried up the external steps. These matters could have been secured by condition should the appeal have been allowed.
28. In view of the above, the proposed conversion into two flats would be likely to increase the demand for on-street parking in this location and no evidence has been provided to demonstrate that this increase in demand can be met in this area. This would potentially result in cars parking on-street which would have a detrimental impact upon highway safety. The proposal is therefore contrary to Policy BT2 of the BLP which supports development only where it does not increase on-street parking in situations where existing demand cannot be met, such as on heavily parked streets. The proposal is also contrary to paragraph 111 of the Framework which states that development should be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety.

### **Other Matters**

29. I note that the appellant has made reference to a number of other applications on this street that have been granted permission to be converted into two self-contained flats, however I have not been provided with all the details for each of these applications. Furthermore, each application is judged on its own individual merits and on the site-specific circumstances.

## **Conclusion**

30. The appeal scheme would be harmful to the character and appearance of the area, would provide unacceptable living conditions for the future occupiers of proposed Flat 1, and would result in additional demand for on-street parking on an already heavily parked street to the detriment of highway safety. The proposal is therefore contrary to the development plan and there are no material considerations that outweigh this finding, or the conflict with the development plan when taken as a whole. The proposal is also considered to be contrary to the relevant sections of the Framework. As such, the proposal is unacceptable, and the appeal should be dismissed.

*R Major*

INSPECTOR