



Appeal Decision

Site visit made on 29 August 2023

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th October 2023

Appeal Ref: APP/T5150/W/23/3320334

58 St Andrews Avenue, Brent, Wembley HA0 2QD

- 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 Mrs Zoubida Hamdi (Al Mustakillah Television Ltd) against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/0178, dated 24 January 2023, was refused by notice dated 21 March 2023.
 - The development proposed is the hip-to-gable roof extension; erection of a rear roof dormer; conversion of the garage into a habitable room including raising the garage roof and replacement of garage door with new windows; installation of 2 x front rooflights to the main roof slope; blocking up window to the rear ground floor elevation; conversion of the dwellinghouse into 2 self-contained flats (1 x 2bed and 1 x 3bed) with associated car parking, bin stores, new hard and soft landscaping and amenity space.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is 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.

Reasons

3. The appeal site is a semi-detached two storey dwelling which benefits from a deep rear garden and frontage laid to block paving. The surrounding area is predominantly residential and comprises two storey pairs of semi-detached dwellings linked by their garages.
4. The proposed development would involve the sub-division of a larger family sized dwelling, to provide 2 self-contained flats (1 x 2bed and 1 x 3bed). The 3-bed flat has been designed to provide family sized accommodation with access to private external amenity space. Nevertheless, the proposed conversion would result in the loss of a larger family sized residential unit for which there is an identified need within the Borough.
5. The principle of conversion of a larger family house to two or more units is supported by Policy BH11 of the Brent Local Plan 2019-2041 (2022) (LP) where certain circumstances apply. It is not disputed that the existing dwelling could be extended to exceed 130m² and the proposal would provide a 3-bed dwelling with direct access to a garden. However, the site is located in an area with a Public Transport Accessibility Level (PTAL) rating of 2. Consequently, the proposal fails to meet the requirement of this policy, which is specific that

- developments of this nature will only be allowed in areas of PTAL rating of 3 and above.
6. Policy BH4 is also concerned with the supply of housing on small sites. Subject to other development plan policies, including Policy BH11, 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 located within any of these areas.
 7. 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. Policy BH4 requires the more intensive use of sites to be consistent with other policies in the development plan. Policy BH11 is more specific in terms of directing new net residential development to areas with a PTAL of 3 or above and, as such, this policy will carry the most weight in this assessment. As Policy BH4 requires proposals to be consistent with other development plan policies, the specific requirements of Policy BH11 clearly carries significant weight.
 8. The conflict with Policies BH4 and BH11 arises due to the site's location with an area with a PTAL rating of 2. I have had regard to the information submitted by the appellant, by way of example journey times via public transport, as well as walking distances to nearby bus stops and tube station. Notwithstanding the appellant's evidence relating to the site's relative accessibility to public transport, policy BH11 in particular requires consideration of the PTAL rating. The use of PTAL ratings is the established approach set out in the recently adopted development plan and is widely used across London. I have not been presented with any compelling evidence which would lead me to conclude that the site should have a different PTAL rating. Similarly, I am not persuaded that the distance to an area of PTAL 3 is a determinant factor in this appeal, as Policy BH11 is very specific about the PTAL rating and does not refer to distances between different PTAL areas.
 9. Additionally, Policy BH4 also requires the access to social infrastructure within walking distance to be considered. To my mind, this includes facilities such as education facilities, community centres, recreation, and sports facilities. There is a convenience store on Harrow Road, a place of worship in the vicinity and Elmwood Park is located in close proximity to the site. However, the facilities before me are limited in number and variety and, consequently, fail to meet the requirement of Policy BH4.
 10. Planning permission was granted for an identical scheme in 2019. However, this permission was not implemented and has now lapsed. The current LP dates 2022 and, as such, that application would have been assessed against a different policy context. Indeed, the officer's report confirms that at the time, flat conversions were not required to be within areas of PTAL 3 or above. Therefore, this previous permission does not weigh in favour of the proposal.
 11. For the reasons set out above, I conclude that the proposed development would result in the loss of a larger family sized accommodation in a location which does not have good access to public transport. This would conflict with Policies BH4 and BH11 of the LP, which seek to direct new housing development to areas with a PTAL rating of 3 or above.

Other Matters

12. The scheme would make a small contribution to housing supply in the Borough, and the two flats would provide suitable residential accommodation. However, the provision of one new net dwelling would make a very modest contribution to the housing within the area.
13. The proposed development is acceptable in respect of other matters, including the external alterations to the dwelling, living conditions and external amenity space. However, these are neutral factors that neither weigh for or against the proposal.
14. I have not been provided with robust evidence to substantiate the claim that large houses are difficult to let comparing to flats. I therefore afford this very limited weight.
15. I note the appellant's comments in respect of the number of cars associated with the current dwelling and with the proposal. However, the policies before me seek to direct new net housing development to areas with good access to public transport and local services. Consequently, I afford this very limited weight.

Conclusion

16. Overall, I conclude that the proposal would conflict with the development plan read as a whole and there are no material considerations of sufficient weight to justify a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

P Terceiro

INSPECTOR