



Appeal Decision

Site visit made on 20 September 2023

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2023

Appeal Ref: APP/T5150/W/23/3315786

63 Kendal Road, Brent, London NW10 1JE

- 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 Sormeh Ouji against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3517, dated 12 October 2022, was refused by notice dated 10 January 2023.
 - The development proposed is internal renovation and conversion of the residential dwelling into 2-self contained residential units plus first floor part rear & ground floor front porch extension.
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Decision

1. The appeal is allowed and planning permission is granted for internal renovation and conversion of the residential dwelling into 2-self contained residential units plus first floor part rear & ground floor front porch extension at 63 Kendal Road, Brent, London NW10 1JE in accordance with the terms of the application, Ref 22/3517, dated 12 October 2022, subject to the attached schedule of conditions.

Main Issues

2. Taking into account the Council's reasons for refusal, the main issues are:
 - the suitability of the site's location for conversion into 2 no. residential units;
 - the effect of the proposed development upon the character and appearance of the area with particular regard to the proposed porch extension and the parking space and soft landscaping provision; and,
 - cycle parking.

Reasons

Suitability of site

3. Policy BH4 of the Brent Local Plan 2019-2041 adopted February 2022 (BLP), permits a more intensive and efficient use of small sites for housing, such as the conversion of existing residential accommodation. It requires, amongst other things, that the site is located in an area with a PTAL rating of 3-6, or in another designated well-connected area. Policy BH11 of the BLP further states that the conversion of family housing into smaller residential units will only be permitted where the existing property has a floorspace of at least 130 square metres; it would include the creation of a 3-bedroom unit; and its PTAL rating is 3 or above.

4. The appeal site is a semi-detached dwelling in an established residential area. Both parties agree the appeal property has a floor area larger than 130 square metres, and it is noted that the proposal also includes a 3 bedroomed unit of accommodation. However, the appeal site is located in an area with a PTAL rating of 2, although it is located within a Controlled Parking Zone, which limits during certain times for those without resident parking permits.
5. Notwithstanding this, the appeal site is said to be some 7 minutes walk from Dollis Hill underground Station and there is a bus stop nearby on Kendal Road, which provide good access to London's public transport network. Furthermore, I also observed on my site inspection that there were many local services and facilities within walking distance of the appeal site. In addition, the proposal includes secure cycle parking at the appeal site to further support sustainable travel options. To this extent, I am of the opinion that the appeal site is located within a well-connected area with a good range of sustainable travel options, that would likely not make the occupiers of the proposed development highly car dependent.
6. Furthermore, the 1 no. on-site parking space proposed is reflective of the maximum parking standard of 1.75 parking spaces combined for the proposed 2 no. units, as set out in Policy T6.1 of The London Plan, The Spatial Development Strategy for Greater London dated March 2021 (the LP). Notwithstanding any potential on-street parking opportunities, which would be subject to permits at certain times, on-site parking would also be very limited for future occupiers of the proposed development, which would encourage them to use other more sustainable methods of travel.
7. I therefore conclude that the appeal site's location is suitable for conversion into 2 no. residential units as it is located very near to public transport, and local services and facilities and it would not likely lead to high levels of car dependency. Whilst the proposal conflicts with parts of Policies BH4 and BH11 of the BLP in terms of the appeal site's PTAL rating, it meets their other key requirements of providing a more intensive use of an existing property that has a floor area above 130 square metres and by providing a 3-bedroom unit of accommodation within the conversion. Furthermore, the proposal is broadly consistent with the objective of Policies BH4 and BH11 that requires development to be in a well-connected area, which would not likely lead to high levels of car dependency. In addition, I also found the proposed conversion of the property into two properties would be consistent with paragraph 60 of the National Planning Policy Framework which seeks to significantly boost housing supply.

Character and appearance

8. The appeal site is a semi-detached property, part of a line of mainly similar semi-detached and detached properties facing onto Gladstone Park. The host property has been much altered including a main hip to gable change, a front porch with stretched canopy, single storey side extension, free standing car port to its front side, rear dormer roof alteration and a single storey extension.
9. To the front of the property, the free-standing carport is to be removed and a new external door slightly forward of the existing front door. I note that paragraph 2.7 of the Council's Residential Extensions and Alterations SPD, dated January 2018 (SPD2) specifically seeks to prevent stretched porches such as the one on the appeal property and considers them to detract from the

character and appearance of the area. The Council say that whilst the stretched porch canopy has not got planning permission, it is immune from enforcement action due to the length of time that has passed since it was constructed.

10. Against this background, the proposed porch extension which would be wholly underneath the porch canopy is relatively minor in its scale and extent, which combined with its single storey level would mean it was not overly prominent on the property or in the immediate area. Whilst it will mean the front door would be closer to the pavement, it would be of a design that relates well to the overall character and appearance of the property and the area.
11. In regard to the parking space and soft planting to the front of the appeal property, the available evidence indicates that the soft landscaping proposed equates to approximately 45% coverage. Although this would be an increase compared to the existing situation, this coverage would be less than the 50% of soft landscaping coverage required by Policy BT2 of the BLP.
12. I note that the Council suggests that the refuse storage area adjacent to the pavement could be reduced from 5 no. bins to 2 no. bins, which would allow greater soft landscaping coverage. However, due to their proposed linear arrangement, the suggested change would not relate well to the proposed layout of the front space. The proposed parking space would be to one side of the front area, in a similar location to the existing car port. Notwithstanding the minor shortfall in this case, I am content that there would be a satisfactory level of soft landscaping to this front area, which would ensure that the appearance of a parking space would not be dominant in the streetscene or harmful to the character and appearance of the property or the area.
13. The proposal also includes a rear first floor extension, which is of a relatively modest scale, sited wholly above part of a single storey extension and its design would relate well to the character and appearance of the host property. Accordingly, this element would also not harmfully affect the character and appearance of the appeal property or the area, it is noteworthy that the Council also found similarly in this respect.
14. I conclude that the parking space and landscaping provision, and the extensions would relate well to the character and appearance of the host property and the area. I find the proposals would be consistent with Policy DMP1 of the BLP, which amongst other things, require new development to be high quality and of a scale and design that complements the locality. Although the proposal would not satisfy the full soft landscaping coverage required by Policy BT2 of the BLP, I found that it would be consistent with the key objective of that policy by ensuring the provision of car parking to the front of properties would not have harmful visual effects.
15. As the front canopy porch is already in existence and said to be immune from enforcement action, I did not find the proposal to conflict with SPD2.

Cycle parking

16. To the front of the appeal property, 3 no. secure cycle parking spaces are proposed. Whilst this falls short of the required 4 no. secure cycle parking spaces required by Policy T5 of the LP, the Council have suggested that by using a different type of parking stand, such as double ended stands, provision

for 4 no. required could be provided to the front of the property. The appellant within their submission has also suggested accepted that a condition could be imposed to address this issue.

17. I therefore conclude, subject to a suitable condition, satisfactory secure cycle parking can be provided at the appeal property that would meet the requirements of Policy T5 of the LP which requires that adequate cycle parking is provided for new dwellings in accordance with accompanying Table 10.2 that states 2 cycle parking spaces for each dwelling should be provided.

Other Matters

18. Objections have been raised regarding the effect of the proposed first floor extension upon the living conditions of neighbouring occupiers. Given that this proposed extension is above part of the existing rear extension. Together with its limited projection beyond its rear elevation, its separation from the boundaries to either side, and with its window directly looking into its own garden area. I am satisfied that there would be no harmful effects upon the living conditions of neighbouring occupiers in terms of loss of outlook, privacy, sun lighting or daylighting.
19. In addition, objections have also been made about the possible noise and disturbance of the use of the property as two units of accommodation. In this case the front entrance door, parking area, and bins storage areas would be located away from the habitable rooms of the adjoining properties. Furthermore, one larger property could have the same amount of washing requirements, number of televisions and a similar amount of people occupying it, than that of two smaller units of accommodation. As such, there is no evidence that the use of the use of the property as two smaller units of accommodation would likely have any greater effect upon adjoining occupiers than as one larger unit of domestic accommodation. I therefore find it unlikely that the use of the proposal would harmfully affect the living conditions of neighbouring occupiers. It is noteworthy that the Council also found similarly in this respect.
20. Regarding possible construction noise and its effect upon the living conditions of neighbouring occupiers including home working, a condition is recommended to safeguard the living conditions of neighbouring occupiers, which is discussed in more detail below.
21. Based on the limited information submitted, there is no evidence that the proposal would have any greater effect upon the security of neighbouring occupiers.
22. One parking space is proposed to serve the development in line with the maximum standards outlined in Policy 6.1 of the LP. The existing property has the benefit of one space at present and the likely effects from the continued use of this space would likely be no different to the current situation, and also similar to the many other parking spaces to the front of properties nearby along Kendal Road. Whilst there could be more parking demand on Kendal Road, although only a snapshot in time, I saw on my inspection that there was lots of available parking space on the road, although I note a resident permit would be required for parking during certain times.

23. I acknowledge the comments about whether flatted development is out of character with the area and the comments on the other examples cited by the appellant. However, neither the BLP nor the LP prevent the principle of conversion of such properties into smaller units of accommodation, subject to meeting other requirements. In this case, I have found the proposal is acceptable in terms of the relevant policies of the BLP, furthermore, its use as flats, with the relatively limited external changes, would not be easily discernible from its appearance or be harmful to the character and appearance of the area. Given my findings above on the main issues, it is not necessary for me to consider whether the examples referred to are comparable or not.

Conditions

24. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved. A materials condition is also imposed as it is necessary to protect the appearance of the property and the area.
25. To facilitate and encourage sustainable methods of travel by future occupiers of the proposed units and to satisfy Policy T5 of the LP, I have imposed a condition requiring 4 no. secure cycle parking spaces be provided.
26. The Council's report referred to restrictions on hours of construction being required by condition to protect the living conditions of neighbouring occupiers. Within the appellant's Design and Access Statement is a Construction Management Plan, which restricts the working hours to 8am – 6pm Monday to Friday and 9am – 1pm on Saturdays only. Along with other measures to reduce noise and disturbance to neighbouring properties. I have imposed a condition to ensure that the development is undertaken in accordance with those measures given that the likely noise and disturbance from the extensions and conversion works, including the removal of a chimney breast, that could affect the living conditions of neighbouring occupiers.
27. Policy BSU14 of the BLP places substantial weight on new development being restricted to using no more than 105 litres of water per person a day, and requires surface water be sustainably drained. The appellant has also provided a Sustainability Statement within their Design and Access Statement confirming that water meters are to be used and the units are to be restricted to 105 litres per person a day. It further states that rainwater is to be collected and recycled to be used for flushing toilets. Consequently, a condition has been imposed to ensure that the development is undertaken in accordance with the submitted water efficiency measures and maintained in perpetuity, to satisfy Policy BSU14 of the BLP to ensure adequate water efficiency measures.
28. In addition, the proposed new parking space is shown to have permeable paving which will ensure the new hardstanding area will be sustainably drained pursuant to Policy BSU14 of the BLP. As this is annotated on the approved plans referred to in condition 2, it would not need to be the subject of a separate condition.
29. The Council has referred to the proposal being required to have a net biodiversity gain, Policy BG11 of the BLP states that new development should enhance biodiversity. I note that additional planting is proposed in both the front and rear gardens, including soft landscaping and trees, which would be an enhancement to the existing situation and satisfy the requirements of Policy

BG11 of the BLP in this respect. This new planting is also shown on the approved plans referred to in condition 2, as such a separate condition in this respect would not be required.

Conclusion

30. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

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 submitted plans; proposed block plan; drawing no. HD1368/1003; drawing no. HD1368/1004; drawing no. HD1368/1005; drawing no. HD1368/1006; and drawing no. HD1368/1007.
- 3) The development hereby approved shall be undertaken in accordance with the external materials specified on the Application Form.
- 4) Notwithstanding the approved plans, prior to the occupation of the development, precise details for 4 no. secure cycle parking areas shall be submitted to and approved in writing by the local Planning authority together with a timetable for their implementation. The development shall thereafter be maintained in accordance with the details thereby agreed.
- 5) The construction of the development hereby approved shall be undertaken in accordance with the measures detailed in the Construction Method Statement contained within the appellant's Design and Access Statement, prepared by Home Design Ltd.
- 6) The water efficiency measures detailed in the Sustainability Statement contained within the appellant's Design and Access Statement, prepared by Home Design Ltd shall be installed and available for use prior to the occupation of the approved development. The development shall thereafter be maintained in accordance with those specified water efficiency measures.