
Appeal Decision

Site visit made on 10 October 2023

by T Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2023

Appeal Ref: APP/T5150/W/23/3314825

Flat 1, 183 Cricklewood Broadway, Brent, London NW2 3HT

- 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 J Patel against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/2980 dated 25 August 2022, was refused by notice dated 19 October 2022.
 - The development proposed is Erection of first floor rear extension to the existing studio flat for better living condition.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Although I note the intent of the proposal, the description of the proposal, would be more appropriately described as 'Erection of first floor rear extension to the existing studio flat' so to omit wording that is not a description of development. I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of future occupiers of the unit with particular regard to floorspace, outlook, privacy and external amenity space.

Reasons

4. The proposal would see an existing studio flat enlarged at the appeal property which is terraced and situated on the busy and partly commercial Cricklewood Broadway, albeit the unit is accessed from Oaklands passage to the rear, which runs off Oakland Road to the north.
5. The proposal includes the provision of obscured glass windows to the south-east facing side elevation of the flat with the opening part of those three windows to be 1.7m above the floor level of the unit. The provision of such glazing would be necessary at the site to provide a degree of internal privacy to the flat.
6. This is because the access up the stairs from Oaklands Passage also appears to serve other units within the building and I noted that during my visit to the site, although only a snapshot in time, there appeared to be comings and goings associated with other parts of the building. Therefore, without this type

of glazing the privacy of future occupiers of the unit would be severely compromised.

7. However, the provision of such glazing to those three windows would in turn lead to very limited outlook from the flat for future occupiers. The only non-obscured glass window would appear to be that at the very end of the flat on the elevation adjacent to Oaklands Passage primarily serving the kitchen area.
8. The external amenity space available at the site would be substantially reduced as a result of the proposal to extend the unit onto a flat roofed decking area. This currently offers a pleasant and bright outdoor amenity area. Very limited outdoor space would remain, and that which would be retained would be narrow and would primarily serve as the access to the rear of the property.
9. There is nothing to indicate that the floorspace of 37m² would be unacceptable or result in a provision of floorspace below the relevant standards. However, the lack of outlook and reduction in outdoor amenity space that would arise as a result of the scheme would have a significant adverse impact on the living conditions of future occupiers of the flat.
10. The proposal would therefore conflict with policies DMP1 and BD1 of the Brent Local Plan (2022) (LP) which amongst other things requires development that is of a good design that provides high levels of internal and external amenity. I have not found conflict with Policy BH13 of the LP nor Policy D6 of the London Plan 2021 in relation to this specific proposal with regard to external amenity space given those policies specifically appear to relate to new dwellings.

Other Matters

11. At the time of my site visit the window to the side elevation of 185 Cricklewood Broadway was not in evidence. The proposal before me would therefore have no significant adverse impact on the living conditions of occupiers at that neighbouring property.
12. Were I minded to allow the appeal I see no reason why a condition could not be added to ensure that sustainable drainage measures were included within the scheme. The proposal would therefore need not conflict with Policy BSU14 of the LP.
13. I note that the proposal would enlarge an existing unit that is being used as a studio flat. However, the benefits of enlarging the accommodation are offset by the reduction in external amenity space resulting from the proposal. Open space at Gladstone Park, a good walk away from the site, would not provide a functional alternative in terms of proximity and ease of use to the space that would be lost at the site.

Planning Balance and Conclusion

14. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be dismissed.

T Burnham

INSPECTOR