



Appeal Decision

Site visit made on 2 October 2023

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2023

Appeal Ref: APP/T5150/W/23/3319102

17 Shelley Gardens, Brent, Wembley HA0 3QF

- 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 Kaliq Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/3944, dated 18 November 2022, was refused by notice dated 17 January 2023.
 - The development proposed is the conversion of an existing dwellinghouse into 2 self-contained flats, new vehicular crossover, associated hardscaping, soft landscaping and refuse store.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of an existing dwellinghouse into 2 self-contained flats, new vehicular crossover, associated hardscaping, soft landscaping and refuse store at 17 Shelley Gardens, Brent, Wembley HA0 3QF in accordance with the terms of the application, Ref 22/3944, dated 18 November 2022, subject to the attached schedule of 7 conditions.

Preliminary Matter

2. It was apparent during my site visit that the construction on site has commenced. I also observed material differences in what has been built and the proposed plans. However, any breaches of planning control do not fall within my assessment of the appeal scheme, which has been decided on the basis of the existing and proposed plans that were submitted with the planning application and considered and consulted upon by the Council.

Main Issues

3. The main issues are:
 - Whether the appeal site offers an appropriate location for the proposed development, having regard to access to public transport and local services; and
 - The effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

Access to public transport and local services

4. The appeal site (No. 17) is situated on the corner of Shelley Gardens, in a predominantly residential suburb of North Wembley. The appeal scheme

involves the conversion of No. 17 from a single dwelling into two, three-bedroomed self-contained flats. It is not in dispute that No. 17 is of a size that makes it suitable for conversion, and its relationship to the plot will provide direct garden access.

5. Policy BH4 of the Brent Local Plan 2019-2041 (2022) (Local Plan) supports the delivery of a net addition of self-contained dwellings within priority locations of PTAL 3-6, intensification corridors, or a town centre boundary. It is not in dispute that the appeal site is not located in an intensification corridor or a town centre boundary. However, outside of the priority locations, Policy BH4 indicates that greater weight will be placed on, amongst other things, access to public transport and a variety of social infrastructure accessible on foot.
6. Policy BH11 of the Local Plan allows for the conversion of a family sized home where certain criteria are met, including (criterion c) it is within an area of PTAL 3 or above. The Council indicates that the appeal site is in an area with a PTAL rating of 2, where the provision of public transport is poor and below the requirement of Local Plan Policy BH11 c).
7. The explanatory text to Policy BH4 indicates that, consistent with Policy H2 of the London Plan, the Council wants to encourage the development of small sites and provide a positive environment for small site developments in areas with good access to public transport and local services.
8. The appellant contends that the appeal site benefits from good access to public transport and that a broad range of services are accessible on foot. This includes access to bus services, shops and facilities along East Lane, North Wembley Station with Bakerloo Line and London Overground connections.
9. I conducted my site visit by public transport and walked to appeal site from the bus stop on East Lane. Personally, I found the distances and experience made access to/from the appeal site to/from East Lane manageable on foot taking approximately 8 minutes. On my route to the appeal site, I also observed a school and public open space. I also noted that the various shops and services, including convenience stores, a church and pharmacy, accessible by foot via a cut-through between East Court and Byron Road. The site is also well connected to London public transport network, with bus stops on East Lane (No's 245 and 483) and Wembley Station rail link located approximately 10 minutes' walk from the appeal site, via the cut-through. In addition, the proposal includes secure cycle parking which further supports sustainable travel options. Therefore, notwithstanding that the appeal site is in an area which has a PTAL rating of 2, I consider it does offer access to public transport and a variety of social infrastructure on foot, which is supported by Policy BH4.

Character and appearance

10. No. 17 is a two-storey semi-detached dwelling, with side and rear gardens, located on the corner of Shelley Gardens and West Court. Notwithstanding No. 17 has been subject to previous extension, it shares similar characteristics to other properties fronting Shelley Gardens, including a two-storey projecting gable and tiled porch canopy to the front.
11. Submitted plans show that the roof over the two-storey side extension would match the pitch of roof over the main dwelling and that it would have a set-down of approximately 0.5 metres. It is evident that the Council's concerns and

reasons for refusing in respect of character and appearance are in relation to the two-storey side extension as built, not with the scheme as represented in the proposed plans.

12. Although the Council contend that the existing plans show a previously approved porch that has not been constructed, I saw that a porch has been constructed on site. The porch on the proposed plans shows the porch to tie into the roof profile of the open canopied porch to the adjoining property and its projection to be in approximate line with the proposed two storey projecting gable. As the design of the proposed porch would be in keeping with porches elsewhere on Shelley Gardens I do not consider it would appear harmfully out of place.
13. Overall, I consider that the proposed development as shown on the submitted plans would be in accordance with Policy DMP1 of the Local Plan insofar as it seeks to ensure development compliments the locality. The scheme as shown on the proposed plans would also accord with SPD2 which requires the roof to match the pitch angle and materials used on the main roof of the house, and the ridgeline of new extension set to a minimum of 0.5 metres below the ridgeline of the original house to ensure it appears suitably subservient. It follows that the proposed development would not cause harm to the character and appearance of the host property or the surrounding area.

Planning Balance

14. The location of the appeal site carries a low PTAL score, below the requirement of Policy BH11 c) and so conflict arises with this policy. Although the appeal site is not within a priority location of PTAL 3-6, Policy BH4 indicates that greater weight will be placed on, amongst other things, access to public transport and a variety of social infrastructure accessible on foot. Even if the likelihood of additional transport services and potential capacity improvements in the future are not yet guaranteed. I have found that the appeal site does offer access to a public transport and local services by foot. Therefore, the intensification of the appeal site would not result in unacceptable reliance on journeys by private car and there would not be conflict with Policy BH4.
15. The provision of two, three-bedroomed flats would result in the loss of a five-bedroom house in the Borough, and the Council's Officer Report indicates that there is a demand for suburban style family housing. Nevertheless, the two three-bedroomed units would be suitable for occupation by families. Moreover, the appeal scheme would provide a net increase in the number of dwellings by one, which would boost the supply of housing and the choice of homes available within the Borough. The proposals would therefore accord with Policy H2 of the London Plan, insofar as it seeks to diversify the location, type and mix of housing supply.
16. On balance, I find that the appeal scheme would be in accordance with the development plan. Furthermore, the National Planning Policy Framework (Framework) is a material consideration in planning decisions and I consider that the appeal scheme to be consistent with the Framework read insofar as it supports the objective of ensuring that a sufficient number and range of homes be provided whilst also supporting development that makes efficient use of land, taking into account, amongst other things, the availability and capacity of infrastructure and services and the scope to promote sustainable travel modes that limit future car use.

Other Matters

17. A number of objections have been raised by interested parties. In the main, these focus on matters already considered. There is no evidence to suggest the proposals will affect protected species, nor have the Council raised concerns in this regard. Subject to appropriately worded conditions, I am satisfied that matters of detail including parking, landscaping and boundary treatments will ensure the proposal will not cause harm in the in respect of, amongst other things, local character, living conditions, highway safety, drainage or landscaping. Matters of fire safety sit outside of the planning process. While noting the concerns regarding precedent and pressures on existing local services, there is no evidence of there being a reasonable prospect of similar development being repeated nearby, that the cumulative effect would be harmful, or that indicate local services would be unable to cope with any additional demand as a result of the appeal scheme. In any event, the appeal has been determined on the evidence and site-specific circumstances before me.

Conditions

18. The Council have suggested a number of conditions and I have considered these in the light of the advice on conditions in the Framework and Planning Practice Guidance (PPG). In some instances, while I have adopted the suggested conditions, I have made minor changes to wording or added clarity as appropriate.
19. A Plans condition is necessary in the interest of planning certainty. As the development has already commenced the standard three year time limit is not necessary.
20. A materials condition is also imposed as it is necessary to protect the appearance of the property and the area. Conditions relating to landscaping and tree protection are considered both necessary and reasonable to preserve the character and appearance of the areas. To ensure that the development provides satisfactory provisions and living conditions for future occupiers conditions are necessary that require implementation of approved refuse and recycling storage, as well as secure cycle parking and their retention within the site thereafter. In the interests of promoting sustainable transport a condition is necessary to require further details regarding electric charging point, and the retention within the site thereafter.

Conclusion

21. For the reasons set out above and having had regard to all other matters raised, including representations by interested parties, I conclude that the appeal should be allowed.

L Clark

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and drawings:

SG17-03-1001 Rev 1st Existing Floor Plans, Location Plan

SG17-03-1002 Rev 1st Proposed Floor Plans

SG17-03-1003 Rev 1st Existing and Proposed Elevations

SG17-03-1004 Rev 1st Proposed Front Elevation Showing Boundary Treatments

Drawing TH/A3/3646/TPP within the Arboricultural Impact Assessment Method Statement & Tree Protection Plan, by Trevor Heaps, dated 2 November 2022.
- 2) Notwithstanding Condition 1, prior to the occupation of any of the flats hereby approved, details of the materials to be used in the construction of all new external surfaces, including hard surfacing materials, shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) All planting, seeding or turfing comprised in the approved landscaping drawing SG17-03-1002 - Rev 1st shall be carried out in the first planting and seeding seasons following the occupation of the first occupation of any flat; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) Prior to the occupation of any of the flats hereby approved, the provision of secure cycle parking shall be carried out in accordance with the approved drawing no. SG17-03-1002 Rev 1st, and the space thereafter be retained as secure cycle parking for the occupiers of the approved development.
- 5) Prior to the occupation of any of the flats hereby approved, the provision of refuse and recycling storage shall have been implemented in accordance with the approved drawing no. SG17-03-1002 Rev 1st and the space shall be retained as refuse and recycling storage thereafter.
- 6) Prior to the construction of the dropped kerb, as shown on approved plan no. SG17-03-1002 Rev 1st, the tree protection measures as shown on drawing TH/A3/3646/TPP (relating to the tree located within the grass verge to the front of the site), shall have been implemented in accordance with the approved Arboricultural Impact Assessment Method Statement & Tree Protection Plan, dated: 2nd November 2022.
- 7) Notwithstanding Condition 1, prior to the occupation of any of the flats hereby approved, details of one electric charging point, shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the specification, location and design of the electric charging point within the site. The electric charging point shall be installed in accordance with the approved details (or as subsequently updated) and available for use by the occupiers of the proposed development thereafter.