



Appeal Decision

Site visit made on 11 December 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd January 2024

Appeal Ref: APP/T5150/W/23/3324592

5 Grand Avenue, Brent, Wembley HA9 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
 - The appeal is made by Mrs Zoubida Hamdi (Al Mustakillah Television Ltd) against the decision of London Borough of Brent.
 - The application Ref 23/0638, dated 27 February 2023, was refused by notice dated 28 April 2023.
 - The development proposed is conversion of dwellinghouse to two self-contained flats, including single storey side and rear extension, first floor rear extension, subdivision of the rear garden to include two timber sheds and hardstanding and associated refuse and bike storage.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of dwellinghouse to two self-contained flats, including single storey side and rear extension, first floor rear extension, subdivision of the rear garden to include two timber sheds and hardstanding and associated refuse and bike storage at 5 Grand Avenue, Brent, Wembley HA9 6LS in accordance with the terms of the application, Ref 23/0638, dated 27 February 2023, subject to the conditions set out on the attached schedule.

Procedural Matter

2. The description in the above banner heading has been taken from the decision notice and appeal form as this accurately describes the proposed development.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide an adequate standard of accommodation for future occupiers of flat A having regard to its overall size, daylight for the proposed double bedroom and privacy to the proposed living area;
 - Whether the proposed development would provide an adequate standard of accommodation for future occupiers of flat B having regard to the size of the kitchen/living area, daylight for the proposed double bedroom and access to amenity space provision;
 - The effect of the proposed development on trees and whether the development would achieve an urban greening factor of 0.4;
 - The effect of the proposed development on flood risk; and

- The effect of the proposed development on fire safety.

Reasons

Living conditions – flat A

4. The appeal site comprises a two-storey, semi-detached dwellinghouse located along Grand Avenue within a predominantly residential area.
5. The proposed development seeks planning permission for the conversion of the single dwellinghouse to 2x self-contained flats. This would incorporate a single storey rear extension, single storey side extension and a first-floor rear extension, alongside associated changes to the front and rear garden layouts.
6. Policy D6 of The London Plan, 2021 (LP) relates to housing quality standards and sets out the minimum internal space standards for new dwellings. It requires 74 square metres for a 1 storey 3 bedroomed 4 person dwelling and 61 square metres for a 1 storey 2 bedroomed 3 person dwelling. The plans indicate an internal area of 74 square metres for flat A in line with the above requirements and I note the appellants' commitment in this respect. Even if I accepted the Council's claims that when measured using the stated scaling, a shortfall of 2.22 square metres was identified, this shortfall would be marginally less than the requirements and the proposed internal area of flat A would still be of adequate size to provide satisfactory living conditions for future occupiers.
7. I note the Council's concern in respect of levels of daylight received from the proposed double bedroom of flat A as a result of the proposed obscure glazed flank window. The officer's report also makes reference to outlook although this has not specifically formed part of the Councils' reasoning for refusal. Notwithstanding, whilst obscure glazing reduces levels of daylight and outlook generally, this would not be removed completely, as the bedroom would still benefit from a further window to the rear of the room which is of a sufficient size where adequate levels of daylight and outlook can be had. Additionally, the property would benefit from other habitable spaces on the same level where there are other windows offering for good levels of daylight and outlook more generally. The proposed living area/kitchen window would be located directly across from the proposed bicycle storage for flat B. However, such a relationship between flatted properties within an urban context is not uncommon and even if flat B were to have cycles, then the trips to the cycle store would likely be relatively low and infrequent as to not have a significantly harmful effect on the privacy of future occupiers. Consequently, I consider that overall, future occupiers would have sufficient levels of daylight and privacy as well as outlook.
8. For the above reasons, I therefore conclude that the proposed development would provide an adequate standard of accommodation for future occupiers of flat A having regard to its overall size, daylight for the proposed double bedroom and privacy to the proposed living area. As a result, it would accord with Policy DMP1 of the Brent Local Plan 2019 – 2041, 2022 (BLP) and Policy D6 of the LP which together, amongst other matters, requires development to provide high levels of internal amenity.

9. The decision notice cites Policy BH13 of the BLP. However, this policy relates to residential amenity space in relation to external provision and is not therefore relevant to the first main issue and thus has been omitted.

Living conditions – flat B

10. The double bedroom serving flat B would form part of the first-floor rear extension and the window serving this room would be located at the far end of the extension. The window is of a good size and despite its location within the rearmost part of the extension, it would still allow for good levels of daylight to be had. Additionally, and like flat A, the property benefits from other habitable spaces on the same level where there are other windows offering for good levels of daylight more generally. Flat B would be a 2 bedroomed 3-person property and it is undisputed that it would slightly exceed the required internal space standards as set out earlier. There is no compelling evidence before me to suggest that the proposed kitchen/living area would be of an insufficient size/layout to accommodate both uses successfully. Given that the flat is designed for a relatively low level of occupancy and that the required internal space standards are not only met but exceeded, then I am satisfied that overall, the future occupiers of flat B would have sufficient levels of internal space.
11. The existing external garden area to the rear of the property would be subdivided to provide external amenity space for both flats. Given the location to the rear of the property, the external amenity space serving flat B would be accessed via an alleyway to the side of the property which whilst of a limited width, would simply form an access point to and from the main amenity area located to the rearmost part of the garden. The overall provision proposed would far exceed the required standards and even taking into account the access arrangements proposed for flat B, this would not diminish the value of the amenity space given its overall good size.
12. For the above reasons, I conclude that the proposed development would provide an adequate standard of accommodation for future occupiers of flat B having regard to the size of the kitchen/living area, daylight for the proposed double bedroom and access to amenity space provision. It would therefore accord with Policies DMP1 and BH13 of the BLP and Policy D6 of the LP which together, amongst other matters, requires development to provide high levels of internal and external amenity.

Trees

13. At my site visit, I observed that there are a small number of trees located within the rear garden area serving the property and the appellant has confirmed that it is likely that trees will be removed pursuant to the scheme. Whilst no formal tree survey has been undertaken, Policy BG12 of the BLP amongst other matters, explains that development with either existing trees onsite or adjoining it that could affect trees will require the provision of appropriate replacement on site. This is set out under provision c) which relates to cases of minor development which results in the loss of trees. As such, a suitably worded planning condition requiring landscaping details including the planting of replacement trees would adequately mitigate against their loss which I have attached.

14. Policy BH4 of the BLP requires all minor residential development to deliver an urban greening factor of 0.4 on site. Whilst no specific information has been provided in relation to this, the proposed development is small-scale relating to an existing building, and the large, grassed area to the rear and landscaping to the front would likely comply with the above policy. Additionally, the condition relating to landscaping details including the planting of replacement trees would also help with the amount of greening provided.
15. For the above reasons, I conclude that the effect on the trees as a result of the proposed development could be resolved by way of a planning condition and it is likely given the small-scale nature of the proposed development relating to an existing building along with the overall provision of green space that an urban greening factor of 0.4 can generally be complied with. It would therefore accord with Policy DMP1, BH4 and BG12 of the BLP which together, amongst other matters, requires development to retain trees and landscape features whilst delivering an urban greening factor of 0.4 on site.

Flood risk

16. I acknowledge the dispute regarding the location of the site with regards to the specific flood zone and even if I were to accept that the majority of the site lies within flood zone 3a for fluvial flooding, the building is already in place and is to be extended modestly using the pre-existing drainage system. Whilst a Flood Risk Assessment has not been provided, the small-scale nature of the proposed development and existing drainage strategy means that materially increased flood-risk is not anticipated and a suitably worded planning condition requiring details of surface water drainage measures would minimise the risk of flooding on site and not increase the risk of flooding elsewhere which I have attached.
17. For the above reasons, I conclude that the proposed development is unlikely to increase the risk of flooding onsite or flooding elsewhere and could be resolved by way of a planning condition. Accordingly, it would accord with Policies BSU13 and BSU14 of the BLP which together, amongst other matters, explains that proposals for minor developments including conversions should make use of sustainable drainage measures wherever feasible.

Fire safety

18. The appellant has provided further details in relation to fire safety including information on space provisions for fire appliances and assembly points, passive and active safety measures, data on construction products and materials, means of escape and evacuation strategy and access and equipment for firefighting. Based on the evidence before me and given that such details would be required as part of building regulations then I do not find the proposed development to have an unacceptable harm in relation to fire safety. Whilst a Fire Statement has not been provided, under the terms of Policy D12 B, this appears to relate to major development which this appeal is not. In any event, I am sufficiently persuaded that the measures identified would achieve a high standard of fire safety.
19. For the above reasons, I conclude that the proposed development would not have an adverse impact in relation to fire safety. It would therefore accord with Policy D12 of the LP which explains that in the interests of fire safety and to

ensure the safety of all building users, all development proposals must achieve the highest standards of fire safety.

Other matters

20. Reference is made to cycle and refuse storage being located within the rear garden area. However, the plans submitted indicate that provision would be made to the front of the property and thus no further clarification is needed in this regard.

Conditions

21. I have considered the Council's suggested planning conditions including those from its transportation officer in light of the National Planning Policy Framework and Planning Practice Guidance. As a result, I have amended these where necessary for clarity.
22. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to materials is also necessary to ensure a satisfactory appearance of development which does not prejudice the amenity of the locality. A condition relating to landscaping details including the planting of replacement trees is also considered necessary to ensure a satisfactory standard of appearance to ensure that the proposed development enhances the visual amenity of the locality and in the interest of biodiversity and to provide tree planting. A condition relating to retained trees, if required is also necessary to ensure trees will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality. A condition relating to surface water drainage measures is also necessary to ensure that the proposed development does not adversely increase surface water flood risk on site. A condition relating to the redundant vehicular crossover to the site from Grand Avenue is necessary in the interests of pedestrian safety and the visual amenity of the street scene.
23. The Council including its transportation officer has suggested conditions relating to further details of the proposed bicycle and bin storage including that provision is located within the property's front forecourt, and not within the rear garden. However, as such details along with their location are already shown on the proposed plans which are conditioned then I do not find it necessary to condition such details.

Conclusion

24. For the above reasons and having had regard to the development plan as a whole and all other matters raised, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development must be begun within three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5GRANDAVELOCATIONPLAN and 5GRANDPROPOSEDDWG.
- 3) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing building.
- 4) Landscaping details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development (but excluding site preparation and the laying of foundations) including details of the planting of replacement trees to be planted in the rear garden of the property.

The approved landscaping details shall be implemented prior to completion of the proposed development hereby approved unless alternative timescales are agreed in writing by the Local Planning Authority.

- 5) Prior to the commencement of the development hereby approved (including demolition and all preparatory work), a scheme for the protection of any retained trees, if required, in accordance with BS5837: 2012 including a Tree Protection Plan (TPP, at para. 5.5 BS 5837) and an Arboricultural Method Statement (AMS, at para. 6.1 BS 5837) shall be submitted to and approved in writing by the local planning authority.

Specific issues to be dealt with in the TPP and AMS:

- a) Methods of demolition within the root protection area (RPA as defined in BS 5837: 2012) of the retained trees.
- b) Details of construction within the RPA that may impact on the retained trees
- c) Tree protection during construction indicated on a TPP and construction activities in this area clearly identified as prohibited in this area.
- d) Details of site access, on site welfare facilities, loading, unloading and storage of equipment, materials, fuels and waste as well as concrete mixing and use of fires.
- e) Boundary treatments within the RPA
- f) Methodology and detailed assessment of root pruning
- g) Arboricultural supervision and inspection by a suitably qualified tree specialist.
- h) Reporting of inspection and supervision.

The development thereafter shall be implemented in strict accordance with the approved details.

- 6) Prior to the commencement of works, details of surface water drainage measures must be submitted to and agreed in writing by the Local Planning Authority.

- 7) The development hereby approved shall not be occupied until such time as the redundant vehicular crossover to the site from Grand Avenue has been removed and returned to footway and grass verge at the developer's expense.