



Appeal Decision

Site visit made on 12 December 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2024

Appeal Ref: APP/T5150/W/23/3324901

1 Christchurch Green, Brent, Wembley HA0 4DP

- 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 Mr N Patel against the decision of London Borough of Brent.
 - The application Ref 23/0904, dated 22 March 2023, was refused by notice dated 22 May 2023.
 - The development proposed is described as, *'hip to gable extension on existing house and creation of new attached block consisting of one 1 bedroom unit and one two bedroom unit. related amenity space stores and front roof lights'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description in the above banner heading has been taken from the original application form. The decision notice does however include for the demolition of existing garage and conservatory as well as other works and I have determined the appeal accordingly.

Main Issues

3. The main issues are;
 - Whether the proposed development would provide sufficient external amenity space for the existing occupiers of No 1 Christchurch Green (No 1); and
 - The effect of the proposed dormer window on the character and appearance of the host property and neighbouring properties.

Reasons

Amenity space

4. The appeal site relates to land adjacent No 1 which forms one half of a pair of semi-detached properties located on a corner plot where Christchurch Green meets Douglas Avenue. The land to the side of the property currently forms part of the external amenity space associated with the property and there is a single storey projection attached to the side of the property allowing access to the rear along with a detached garage.
5. The proposed development amongst other works would demolish the existing garage and conservatory and construct a new two storey block adjacent to the

property incorporating 2x self-contained flats. It would result in the subdivision of the plot including its external amenity space to provide parking areas, cycle/refuse storage, boundary treatments and amenity space for the existing and proposed properties.

6. Policy BH13 of the Brent Local Plan 2019-2041, 2022 (BLP) relates to residential amenity space and explains that all new dwellings will be required to have external amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50 square metres per home for family housing (3 bedrooms or more) situated at ground floor level and 20 square metres for all other housing. The officer's report explains that Policy D6 of the London Plan specifies that where there is no higher local standard, a minimum of 5 square metres of private amenity space should be provided for 1-2 person dwellings and an extra 1 square metre should be provided for each additional occupant.
7. As part of the subdivision of the plot, the proposed development would see a reduction in the existing amenity space provision associated with the existing property at No 1 which would reduce to around 36 square metres. The existing plans show that this property comprises 3 bedrooms and is therefore considered to be a family house under the provisions of Policy BH13 requiring 50 square metres of external amenity space. The proposed provision associated with this existing property falls significantly below this requirement and such a reduction in space for a family sized property coupled with the lack of nearby parks would significantly harm the quality of external amenity space enjoyed by the existing property without any suitable re-provision. It would therefore not accommodate the existing needs and activities of a family who are likely to require convenient access to a sufficiently sized outside amenity space regardless of the semi-urban setting. I appreciate that there is a level of space provided to the front of the property which would continue to be available for the occupiers. However, this would be small and constrained due to its visibility from the public realm and provision of a new cycle store. The area to the front is principally used for access to the front of the house along with any associated vehicle parking/servicing provision. I do not therefore consider that the area to the front of the property would be fit for purpose in terms of usability to count towards the overall provision for external amenity space.
8. I note claims made that the rear garden space exceeds the London Plan standard. However, based on the information before me, the standards as referred to above are those taken where there is no higher local standard. The BLP is clear in terms of amenity space provision, and I am sufficiently persuaded that the higher level of amenity space based on the BLP standards should be maintained.
9. The Council has referred to concerns regarding the amenity space associated with the upper floor flat although this did not specifically form part of the Council's reasoning for refusal. Notwithstanding, the evidence before me indicates that the side amenity space would be more than 20 square metres and I note the appellant's commitment in this regard in order to comply with the requirements as set out. Provision is located to the side of the property close to the footpath and main road. However, such a relationship is not uncommon for amenity space provision particularly for flatted properties and would indeed be well screened from the footpath and main road which would

increase its overall useability. Whilst the layout is slightly constrained due to its location to the side of the property, there is no firm evidence before me to indicate that the space would not be usable particularly given its overall good size for the upper floor flat which is designed for a relatively low level of occupancy.

10. For the above reasons, I conclude that whilst the overall provision provided for the upper floor flat is of lesser concern to me, the proposed development would not provide sufficient external amenity space for existing occupiers of No 1. This would be less than 50 square metres in size, so would fail to provide acceptable living conditions for existing occupiers, contrary to the requirements of Policy BH13 of the BLP.

Character and appearance

11. As part of the works a rear dormer window is proposed and I acknowledge the Council's comments regarding discrepancies between the rear elevation and side elevation in terms of the dormer size. However, this is also of lesser concern to me given the very slight difference and that the proposed side elevation still shows the ridge of the rear dormer window to be below the ridge height of the roof of the main property which means that it would still read as a subordinate addition to the property. Additionally, its location to the rearmost part of the property means that it would form a less prominent feature within the street scene and whilst it would be visible from certain public viewpoints particularly on approaches along Douglas Avenue, its overall bulk and mass would be filtered by the proposed two storey rear extension and landscaping.
12. I have also had regard to the comments made in terms of the internal heights as a result of the discrepancy on the plans in relation to the dormer size although again this did not specifically form part of the Councils' reasoning for refusal. Notwithstanding, the section plan as proposed demonstrates that the required standard could be met and even taking into account the discrepancy, I am satisfied that the proposed dormer window would not significantly impact the floor to ceiling heights to an extent which would be harmful or that this could not be overcome by a suitably worded planning condition.
13. For the above reasons, I conclude that the proposed dormer window would not unacceptably harm the character and appearance of the host property and neighbouring properties. It would therefore accord with Policy DMP1 of the BLP and the Residential Extensions and Alterations SPD 2, 2018 which together, amongst other matters, explains that alterations to your roof should be designed to compliment your home and the original street character.

Other Matters

14. I have had due regard to the appellants' statement of case in relation to the proposed development and although the Council do not raise concern regarding a number of elements, a lack of harm in this respect is a neutral factor in my overall consideration of the scheme. I also appreciate the need for extra accommodation in the area although this would not outweigh the harm identified.

Conclusion

15. Although the proposed dormer window would not unacceptably harm the character and appearance of the host property and neighbouring properties,

the proposed development would not provide sufficient external amenity space for existing occupiers of No 1 and thus would conflict with the development plan as a whole. There are no other considerations, that individually or cumulatively outweigh this harm. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR