



Appeal Decision

Site visit made on 15 January 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd February 2024

Appeal Ref: APP/T5150/D/23/3328543

39 Randall Avenue London NW2 7SS

- 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 Hanna against the decision of London Borough of Brent.
 - The application Ref: 2023/1687 dated 15 May 2023 was refused by notice dated 19 July 2023.
 - The development proposed is Change of use of the first floor to restaurant (Class E).
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Decision

- 1) The appeal is allowed and planning permission is granted for Demolition of existing storage space and erection of new single storey ancillary assisted living space and step-free access ramp to dwellinghouse at 39 Randall Avenue London NW2 7SS in accordance with the terms of the application Ref: 2023/1687 dated 15 May 2023 and the plans submitted with it subject to the following 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 approved plans: 578.PL1.03 Rev0; 578.PL1.04 Rev0; 578.PL1.05 Rev0; 578.PL1.06 Rev0; 578.PL1.07 Rev0; 578.PL1.09 Rev0.
 - 3) The development hereby approved shall not be occupied other than as ancillary to the residential occupation of 39 Randall Road.
 - 4) The development hereby approved shall have no provision for cooking or preparation of meals.
 - 5) Notwithstanding the drawings hereby approved and prior to the first occupation of the development hereby approved, an access ramp for use by the occupier of the extension/outbuilding, shall be completed in accordance with a layout and details which have been previously submitted to, and approved in writing by, the local planning authority.

Main Issues

- 2) The main issue is whether the proposal would support the increased occupation of 39 Randall Road.

Reasons

- 3) The appeal site (No.39) is a two-storey semi-detached family with an attached garage in an area of similar suburban housing. The rear garden to No.39 is only accessible through the main house or its garage.

- 4) The proposal intends to provide a small suite of accommodation, being a bedroom, WC/shower and sitting area for an elderly member of the occupying family at No.39 to be located at the rear of an existing garage accessed by means of an external ramp/walkway from the main living room. The appellant has provided supporting correspondence which indicates a medical and psychological justification for providing a ground-floor bedroom for the identified family member. I observed that the internal layout of No.39 is substantially open plan with through-connected rooms providing very little opportunity to create a dedicated bedroom/bathroom on the ground floor such as is required in this case; the person who would be using the proposed accommodation was present at the time of the site visit.
- 5) Policy BH12 of the Brent Local Plan 2019-2041 (BLP) states: *'Planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling¹'*. Policy justification explains that the primary objective of this policy is to prevent residential overcrowding and to protect standards of provision.
- 6) Although the Council suggest 'the proposal would be ancillary accommodation and would be unlikely to provide satisfactory living conditions for future occupiers, due to its lack of integration with the main dwelling and the ensuing layout of the property' this fails to recognise that ancillary living accommodation which is provided for existing users, as would be the case here, would not conflict with BH12 as there would be no increased occupation of the dwelling.
- 7) Whilst it would be desirable to have a direct internal connection with the proposed building, this is not possible in practical terms and although the occupant would have to move between the house and the ancillary room, nevertheless the accommodation is, according to the representations of the appellant, necessary for wellbeing. Further, there being no kitchen in the proposed building, as ancillary accommodation the occupier would likely be using the main dwelling during daytime hours and as such, comments as to living conditions are not relevant.
- 8) I therefore conclude there would be no conflict with Policy BH12 of the BLP, nor, therefore, with the development plan taken as a whole and consequently, for the reasons given and taking all matters raised into account, the appeal should succeed subject to the usual plans and timing conditions. The appellant has proposed a condition which I have considered but attached in a different form to provide a better basis for enforcement when the development is no longer required by the current user. In addition a condition to confirm details of the ramp proposed would support the proposed use and the basis of my reasoning; similarly, a specific condition preventing the preparation of meals or installation of kitchen equipment would ensure that the development would remain ancillary.

Andrew Boughton

INSPECTOR

¹ emphasis added

