



Appeal Decision

Site visit made on 13 February 2024

by H Senior BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 March 2024

Appeal Ref: APP/T5150/W/23/3328378

56 Kingsmere Park, London NW9 8PL

- 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 Dhariwal against the decision of the Council of the London Borough of Brent.
 - The application Ref 23/1580, dated 5 May 2023, was refused by notice dated 17 July 2023.
 - The development proposed is change of use from dwellinghouse to create two flats including demolition of existing storage and utility and erection of part single storey and part two storey side to rear extension, hip to gable end roof extension with rear dormer window, one rear rooflight and front porch.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There has recently been a revised National Planning Policy Framework (the Framework) published by Government. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.
3. Apart from the proposed porch, the extensions to the dwelling have previously been allowed by the Council (22/3025). I have had regard to this in determining this appeal.

Main Issues

4. The main issues are:
 - the effect of the proposal on the supply of family sized dwellings and access to public transport, and
 - whether appropriate living conditions would be provided for future occupiers of the development with particular regard to internal space standards, and
 - the effect of the proposal on the character and appearance of the area with particular regard to parking, and
 - whether the proposal would make suitable provision for cycle parking and refuse storage.

Reasons

Loss of family accommodation

5. The appeal site is a semi-detached dwelling in a predominantly residential area with a mix of dwelling types, including a block of flats to the side of the dwelling. The property is set back from the road with a driveway leading to an attached garage and landscaped area and has a rear garden.
6. Policy BH11 of the Brent Local Plan (2022) (BLP) states that the conversion of a family sized house, being a house of three bedrooms or more, to two or more dwellings will only be permitted if: the existing house is 130sqm or more; the conversion results in at least a three bedroom dwelling, preferably with direct access to a garden; and it is within an area of PTAL 3 or above. Whilst the proposal would meet the first criterion and the ground floor three-bedroom flat would have access to the rear garden, the appeal site has a PTAL of 1b contrary to the requirement of the policy.
7. Policy BH4 is also concerned with the supply of housing on small sites, including through conversions. This policy supports new housing development in 'priority locations' which are, areas with a PTAL rating of 3-6, intensification corridors and within town centre boundaries. The appeal site is not within any of these locations.
8. I acknowledge that there may be an under provision of high quality flats in the area, that both flats would have three bedrooms and therefore be suitable for families and that the proposal would make a small contribution to the supply of housing in the area. However, the location of the appeal site is in an area poorly served by public transport and would likely result in a higher level of car dependency.
9. I have had a previous appeal decision brought to my attention. Whilst I do not have the full details before me, it does not appear to be directly comparable to the scheme before me as it refers to a House in Multiple Occupation.
10. I conclude that the proposal would harm the supply of family sized dwellings and have limited access to public transport. It would conflict with Policies BH4 and BH11 of the BLP which together amongst other matters seek to ensure that development is in areas with a PTAL rating of 3 or above.

Internal Space

11. The existing garage would be demolished as part of the proposal. The space would be occupied by a two storey extension which would accommodate a single bedroom on both the ground and first floor. Whilst these bedrooms (bedroom 3 on the ground floor and bedroom 2 on the first floor) would meet the space requirements as set out in Policy D6 of the London Plan (2021) they would be narrower than the minimum width required in the policy. They would therefore be cramped and not provide appropriate living conditions for the occupiers.
12. The proposal would not provide appropriate living conditions for future occupiers of the development with particular regard to internal space standards. It would conflict with Policy DMP1 of the LP and Policy D6 of the London Plan (2021) which together amongst other matters seek to ensure that one bedspace single bedrooms are at least 2.15 metres wide.

Character and appearance

13. The submitted plans show that there is sufficient space for three off street parking spaces to the front of the property, although there is no detail on any proposed crossover. This front of the dwelling currently has an area of landscaping which would be removed to accommodate the parking spaces.
14. Policy BT2 of the BLP requires off street parking to be provided and amongst other criteria at least 50% of front gardens should be soft landscaping. The proposal before me would therefore not accord with this policy.
15. The removal of the soft landscaping would reduce the natural drainage of the area and would result in a hard and discordant area which would be visually intrusive and not in keeping with the area.
16. The appellant indicates that the landscaping could be controlled by a condition. From the plan before me I do not have sufficient detail to ensure that there would be adequate space for the parking spaces and the landscaping and as such a condition would not be appropriate in this case
17. The proposal would harm the character and appearance of the area with particular regard to parking. It would conflict with Policies DMP1 and BT2 of the LP which together amongst other matters seek to ensure that development for parking provides adequate soft landscaping and complements the locality.

Cycle parking and refuse storage

18. Whilst the submitted plans show an area for refuse storage and cycle parking to the front of the dwelling, the block plan does not show the proposed porch. Without this detail I cannot be certain that there would be adequate space to accommodate the required facilities or whether they would be sufficient to meet the requirements of the Council.
19. The proposal would not make suitable provision for cycle parking and refuse storage. It would conflict with Policies DMP1 and BT2 of the LP and Policy T5 of the London Plan (2021) which together amongst other matters seek to ensure that development provides sufficient cycle parking and is satisfactory in terms of access.

Other Matter

20. Although the proposal would be an efficient use of land and would contribute to the supply and mix of homes in the area, which attract limited weight in favour of the proposal, they do not outweigh the harm I have found to the supply of family homes, living conditions and character and appearance.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal is dismissed.

H Senior

INSPECTOR