
Appeal Decision

Site visit made on 16 April 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09.05.2024

Appeal Ref: APP/T5150/W/23/3329083 25 Ambleside Road, London NW10 3UH

- 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 Juan Diaz against the decision of the Council of the London Borough of Brent.
 - The application Ref 22/4077, dated 27 November 2022, was refused by notice dated 7 June 2023.
 - The development proposed is the conversion of dwellinghouse to two self-contained flats with single storey side infill extension, rear dormer window roof extension, dormer to rear outrigger and two front roof lights.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of dwellinghouse to two self-contained flats with single storey side infill extension, rear dormer window roof extension, dormer to rear outrigger and two front roof lights at 25 Ambleside Road, London NW10 3UH in accordance with the terms of the application Ref 22/4077, dated 27 November 2022, subject to the conditions set out in the schedule to this decision.

Background and main issue

2. The proposal is to extend, alter and convert the appeal property, which is a mid-terrace, 3-bedroom house within a predominantly residential area, to form 2 self-contained flats. The Council raises no objection to the extensions and external alterations proposed to No 25. From the submitted evidence, I have no reason to reach a different conclusion on these matters.
3. Therefore, the main issue is whether the site would be an appropriate location for the proposed development having regard to accessibility to public transport and local services, and the Council's priority areas for growth.

Reasons

4. Policy BH11 of the Brent Local Plan 2019-2041 (LP) states that the conversion of a family sized home to 2 or more dwellings will only be allowed if 3 criteria are met. The proposal would comply with the first 2 requirements of this policy in that the property, as proposed to be extended, would exceed the minimum floorspace threshold of 130 square metres and it would result in a 3-bedroom dwelling with direct access to a garden.

5. However, the appeal scheme would not be in accordance with the third criterion of LP Policy BH11, which requires that the property is within an area with a Public Transport Accessibility Level (PTAL) of 3 or above. The PTAL level indicates how well a place is connected to public transport services with values given between 0 and 6, where the highest value represents the best connectivity. As the area to which No 25 belongs has a PTAL rating of 1b, which indicates a location with poor accessibility to public transport, the proposal would conflict with LP Policy BH11.
6. Nevertheless, the appellant has provided convincing evidence that the site is within a short walking distance of convenience stores, primary schools, a Church, medical and health centres, post office, some bus services and Roundwood Park. Further away, although still within reasonably convenient reach particularly for cyclists is Harlesden District Centre, with its good range of shops and services, and an underground station. Since secure cycle storage would be provided on-site, cycling would be a genuine transport option for future occupiers. Consequently, although the site is within an area which is rated as being poorly served by public transport, there is a good range of social infrastructure that is accessible for both pedestrians and cyclists.
7. The site also falls outside the priority areas listed in LP Policy BH4, within which small housing developments that deliver a net addition of self-contained dwellings is supported. These priority locations are defined as areas with a PTAL rating of 3 to 6, intensification corridors or within a town centre boundary. However, LP Policy BH4 does not preclude such development outside of these areas. Rather, it makes clear that such proposals will be supported but states that greater weight will be placed on the existing character of the area, access to public transport and the variety of social infrastructure which is easily accessible on foot.
8. Although the proposed development would be within area that has a low PTAL rating, no material harm would arise as a result. Therefore, I conclude on the main issue that although there is a conflict with part of LP Policy BH11, the appeal scheme it would not result in the loss of a family sized dwelling and the site would be reasonably accessible to local shops and services. I also find no conflict with LP Policy DMP1, which seeks to ensure that development, amongst other things, does not have an adverse impact on the movement network and provides high levels of amenity.
9. My attention has been drawn to 19 Ambleside Road, which the appellant considers to be a similar development to the proposal and is close to the site, with some background details provided. While I have taken this information into account, I have assessed the proposal on its own merits and find it to be acceptable for the reasons given.

Conditions

10. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. This condition only identifies those drawings that are relevant to the development sought. It does not include all the details listed in the Council's suggested condition. To ensure the satisfactory appearance of the development, a condition is imposed to require that the external materials match those of the existing building.

11. Potentially, the completed development could be converted to a House in Multiple Occupation (HMO) through the exercise of permitted development rights. A HMO with 3-6 unrelated occupiers could have different consequences for the local area than a single household within either or both of the proposed flats. To ensure that the Council has an opportunity to consider those implications, I have imposed a condition to ensure that planning permission would be required for any future proposal to convert the property to a HMO.
12. The Council has suggested a condition to ensure that the development is car-free so that the development does not increase demand for on-street parking. The appellant has indicated that such a condition would be acceptable but only if it is considered necessary in planning terms.
13. In this case, the appeal property is within a Controlled Parking Zone (CPZ) wherein on-street parking is restricted to permit holders only during the day, Monday to Saturday. Within such areas, LP Policy BT2 encourages car-free development.
14. There is no vehicle parking available on-site and none would be provided if the appeal scheme were to proceed. If a 'car-free' condition were not imposed, future occupiers could therefore apply to hold a parking permit for the CPZ. Since the proposal would result in the net addition of 1 dwelling it could increase the demand for on-street parking within the CPZ.
15. The evidence before me, including my observations during my site visit, indicates that the area is one with a considerable demand for on-street parking. The site is also regarded as having poor access to public transport. In those circumstances, a condition would ensure that the local area is not negatively impacted by an increase in demand for on-street parking. It would also seek to ensure that the development reduces unnecessary car trips and promotes effective use of land. As such, such a condition is necessary and reasonable to make the development acceptable in planning terms.

Conclusion

16. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the proposal would conflict with the development plan. However, for the reasons set out above, and having considered the development plan there are material considerations that justify a departure from it. These considerations lead me to conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin no later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 25NW103UH-DR1.3A, 25NW103UH-DR1.3B, 25NW103UH-DR1.3C, 25NW103UH-DR1.3D, 25NW103UH-DR1.3E, 25NW103UH-DR1.3F, 25NW103UH-DR1.3G, 25NW103UH-DR1.3H, 25NW103UH_SP1.0 and 25NW103UH_BP1.1.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 4) The residential unit hereby approved shall at no time be converted from C3 residential to a C4 small House in Multiple Occupation, notwithstanding the provisions of Schedule 2 Part 3 Class L of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) without express planning permission having first been granted by the Local Planning Authority.
- 5) Occupiers of the residential development hereby approved shall not be entitled to a Residents Parking Permit or Visitors Parking Permit to allow the parking of a motor car within the Controlled Parking Zone (CPZ) operating in the locality within which the development is situated unless the occupier is entitled to be a holder of a Disabled Persons Badge issued pursuant to Section 21 of the Chronically Sick and Disabled Persons Act 1970. For the lifetime of the development written notification of this restriction shall be included in any licence transfer lease or tenancy agreement in respect of the residential development. On, or after, practical completion but prior to any occupation of the residential development, hereby approved, written notification shall be submitted to the Local Highways Authority confirming the completion of the development and that the above restriction will be imposed on all future occupiers of the residential development.