



Appeal Decision

Site visit made on 30 July 2024

by L Clark BA(HONS) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2024

Appeal Ref: APP/T5150/W/24/3342199

Land between 96 - 98 Wakeman Road, London NW10 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abbasi against the decision of the Council of the London Borough of Brent.
 - The application Ref is 20/2691.
 - The development proposed is erection of single storey detached studio dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is a) the effect of the proposed dwelling on the living conditions of existing occupiers of 96A Wakeman Road, with particular regard to outlook, and b) whether the proposed dwelling would provide acceptable living conditions for intended future occupiers with particular regard to internal and external amenity space.

Reasons

a) Existing occupiers

3. The appeal site is vacant land between 96 and 98 Wakeman Road (Nos 96 and 98) which extends from Wakeman Road to Rainham Road. No 96 appears to have been subdivided into flats, with No 96A located on the ground floor. I am told that the kitchen to No 96A has a glazed door and windows to its flank elevation which overlook the appeal site, and are set approximately 0.9 metres from the boundary. Whilst ground levels fall between Wakeman Road and Rainham Road, levels within the site appear to be consistent. A boundary with a height of approximately 1.9 metres separates the appeal site from No 96A.
4. The proposed dwelling would be set on the boundary with No 96A. Whilst it would maintain a similar building line to the front, it would project beyond the main rear wall of No 96A. It would incorporate a step in height approximately centrally within its floor plate, with the rear section set lower than the front. To the rear, the overall height on the boundary with No 96A would be approximately 2 metres, increasing to approximately 2.66 metres towards the front. Both roof sections would be angled upwards from No 96A towards No 98, with a parapet wall of approximately 3 metres set on the opposing boundary. The appellant has suggested that the roof of the proposed dwelling would also contain PV panels.

5. The evidence suggests that the door and window to the flank elevation of No 96A are the only glazed elements which provide the occupants with an outlook. In the absence of any definition of habitable rooms from the Council, I have used the definition within the London Plan, which identifies a habitable room as any room used or intended to be used for sleeping, cooking, living or eating purposes.
6. Even if the height adjacent to the kitchen window and door would be marginally above the boundary, the height immediately behind would be significantly higher. Whilst the appellant's suggested PV panels have not been shown on the submitted plans, any installation on the roof would likely increase the overall height even further. Furthermore, the front section would be set significantly higher than the existing boundary. As such, an increase in height either on or in close proximity to the boundary would result in a loss of outlook for the existing occupiers.

b) Future occupiers

7. There is dispute between the main parties regarding the level of occupancy and overall Gross Floor Area of the proposed dwelling. The submitted plans show one bedroom, identified as a 'Studio' on the Proposed Ground Floor Plan.
8. The Council contend that the separation between the main kitchen/living room and the bedroom area results in it appearing as a 1 bed/ 2 person unit rather than a studio. While Policy D6 of the London Plan makes no distinction between a 1 bed/ 1 person unit and a studio, it does however prescribe minimum gross internal floor areas for bedrooms, with the size of the bedroom determining the occupancy level. I note the position of the shower room and that a single bed has been shown within the bedroom area, despite this, the room would exceed the minimum width for either a double or twin bedroom. As such I have assessed the proposal on the basis that it is a 1 bed/ 2 person unit.
9. The standards set out in Policy D6 of the London Plan are intended to provide a good standard of living for intended future occupiers. From the evidence before me, the proposed dwelling would have a floor area of between 37.2 sqm and 39 sqm. This would be significantly below the 50 sqm required by Policy D6. Whilst the proposed Ground Floor Plan identifies a fitted kitchen to the front and a single bed to the rear, it does not show that there would be sufficient floor space to provide seating or dedicated storage normally associated with day-to-day living. As such, the proposal would result in little useable space for the intended future occupants when arranged alongside furniture, which would add to a confined and cramped living arrangement.
10. There is also dispute between the main parties regarding the level of external amenity and discrepancies within the appellant's evidence. Their Proposed Ground Floor Plan identifies there would be approximately 20.2 sqm of private amenity space, whilst their statement states there would be a total area of approximately 33 sqm, excluding the bin store and cycle parking area to the front, and a rear private garden area of approximately 17.5 sqm.
11. Policy D6 of the London Plan states that where there are no higher local standards in the Borough Development Plan Documents, developments should provide a minimum of 5 sqm of private outdoor space for 1-2 person dwellings. The Local Plan does set standards, with Policy BH13 of the Brent Local Plan 2019-2041 (Local Plan) stating that all new dwellings will be required to have

external private amenity space of a sufficient size and type to satisfy its proposed residents' needs. This is normally expected to be 50sqm per home for family housing (3 bedrooms or more) situated at ground floor level and 20 sqm for all other housing.

12. I acknowledge that the rear area falls below the 20 sqm sought by Policy BH13, however, the Policy does state that this is only 'normally expected'. Given that the front area would contain a refuse and cycle store, the rear would provide future occupants with a dedicated private external area which is free from clutter and within which they could sit and enjoy the outside. As such, I do not consider that the shortfall would be so significant to harm occupants living conditions.
13. In light of the above, I conclude that the proposed dwelling would fail to provide adequate living conditions for the existing occupants of No 96A with regard to outlook. Furthermore, whilst the rear area would provide future occupiers with a good standard of external space, it would fail to meet the minimum standards required for a unit of its type which would provide them with a good standard of internal accommodation. Accordingly, the proposal would be contrary to Policy DMP1 of the Local Plan which seeks, amongst other matters, to ensure development provides high levels of internal amenity.

Other Matters

14. Whilst I am sympathetic to the time taken for the Council to determine the original application, this is not within the scope of my assessment which must focus on the planning merits of the appeal proposal.
15. The appeal scheme before me is a resubmission of a preceding appeal Ref APP/T5150/A/14/2216648. I appreciate the efforts the appellant has made to overcome the concerns raised by the Inspector, and that they have undertaken pre-application advice with the Council. However, the amendments would still result in a proposal that would harm the living conditions of the occupants within No 96A with regards to outlook, and harm the living conditions of future occupiers with regard to the quality of internal living accommodation.
16. My attention has been drawn to Brent Draft Supplementary Planning Document Residential Amenity Space and Place Quality 2023 (SPD). Whilst this was not referred to in the decision notice, the SPD is in draft and is guidance which supplements the Local Plan. As I have found conflict with the Local Plan, I give any compliance with the SPD minimal weight.
17. I have not been provided with the specific details of 96C Wakeman Road and as such, it is unclear if its circumstances are directly comparable. Furthermore, the appeal scheme has been determined on its own merits taking account of the site-specific context.
18. The proposal would provide one additional housing unit in an existing residential area, which is identified as having very good public transport accessibility, supporting the Government's objective of significantly boosting the supply of homes. Whilst the site has remained vacant for a number of years, I have found that the appeal proposal conflicts with the development plan and as such, the benefit of providing one dwelling does not outweigh the harm identified.

19. Furthermore, the provision of a well-designed development built to Life Time Homes Standards, which is energy efficient, provides quality landscaping, refuse store, cycle parking and PV panels, would likely be requirements of any well-designed scheme. Despite the proposed dwelling not resulting in any harm to the existing occupants of No 98, these benefits would not outweigh the harm identified above.

Conclusion

20. For the reasons given above, the proposal conflicts with the development plan as a whole and there are no material considerations that indicate that the development should be determined other than in accordance with it. Therefore, the appeal is dismissed.

L Clark

INSPECTOR