
Appeal Decision

Site visit made on 24 September 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/T5150/W/24/3345880

143 Sudbury Avenue, Wembley, Middlesex HA0 3AW

- 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 Tariq Abbasi against the decision of the Council of the London Borough of Brent.
 - The application Ref is 23/3986.
 - The development proposed is conversion of existing dwelling to 2 self-contained flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal would be:
 - Appropriate development having regard to the development plan policy on conversion of family sized dwellings; and
 - Acceptable having regard to appropriate space standards, bin storage and cycle storage.

Reasons

Family sized housing

3. The appeal site is a semi-detached property, which has been extended to the rear by a single storey extension and dormer roof extension. The property has off road parking to the front and a shared access between the neighbouring property serving a garage. To the rear of the property there is a long back garden. The property is a short walk from a range of shops, bus stops and a railway station. Sudbury Avenue is primarily a residential street, which comprises semi-detached properties of a similar style to the appeal site and some more modern houses and flat complexes.
4. Policy BH11 of the Brent Local Plan (2019-2041) (2022) (LP) seeks to maintain family size housing conversions to two or more homes where the existing home is 130sqm or more or could acceptably be extended to that size and where it results in at least a three-bedroom dwelling, preferably with direct access to a garden/amenity space. In addition, the policy requires that proposals are located within an area of Public Transport Accessibility Level (PTAL) 3 or above. The supporting text to the policy explains that family housing to meet local needs is a Council priority.

5. The dwelling is currently 148sqm, which exceeds the policy threshold of Policy BH11 (a) and therefore the proposal meets the first requirement in terms of being large enough to be converted. However, the proposal would sub-divide the property into a one-bedroom and a two-bedroom flat which would not meet requirement (b) of the policy.
6. The appellant contends that two good size gardens would be provided, however this is not indicated on the submitted plans and therefore I cannot be certain that the proposal would comply with this requirement of part (b) of Policy BH11.
7. Although the proposal is close to local facilities it only achieves a PTAL score of two and therefore would not meet the requirements of part (c) of Policy BH11.
8. Therefore, the proposal would not be appropriate development having regard to the development plan policy on conversion of family sized dwellings. It thereby conflicts with policies DMP1 and BH11 of the LP, which seek amongst other things to support development where it is of a location, use, concentration, siting, layout, scale, type, density, materials, detailing and design that provides high levels of internal and external amenity and complements the locality and maintains family sized housing.
9. Although the proposal would provide an additional dwelling and had previously been sub-divided into two flats, this does not outweigh the harm I have identified in relation to the conflict with the development plan and loss of family housing.

Space standards, bin storage and cycle storage

10. The Council's Decision Notice referred to the failure to demonstrate that 75% of the minimum floor to ceiling height would be 2.5m or more. On my site visit I noted that the internal space within the loft level of the accommodation would provide sufficient height clearance to meet this requirement. The proposal therefore does not conflict with policy DP 6 of the London Plan (LNDP) or DMP1 of the LP, which seeks amongst other things to ensure that housing development is of high-quality design and provides adequate sized rooms.
11. Although the appellant has referred to opportunities for the creation of bin and cycle storage no details have been submitted as part of the application and therefore in the absence of these details I cannot be sure that the proposal would comply with policies DMP1, BT2 of the LP and Policy T5 of the LDNP which seeks amongst other things to ensure that new development provides appropriate levels of cycle parking which should be fit for purpose, secure and well-located.

Other Matters

12. I have had regard to the previous appeal decision that I have been referred to at Deane Avenue¹. However, there are clear differences between the proposal and the individual circumstances surrounding this. This includes the retention of a three-bedroom property compared to this case where there would be a loss of a family home. Two further appeal cases are also referred to², however

¹ APP/R5510/W/16/3150502

² APP/Z1775/C/16/3151969 & APP/Z1775/W/16/3150544

these cases are for the provision of studio flats and did not result in the loss of family housing, which is the case for the appeal. In addition, I have determined the appeal on the site-specific circumstances of the site.

Conclusion

13. The proposal would provide one additional smaller dwelling to meet local housing needs. It would also provide housing which meets the required space standards and would have a lower carbon footprint on account of having to meet modern building regulations. However, it would result in the loss of family housing and would not provide for adequate bin or cycle storage. These harms are not outweighed by the benefits which I have identified and are sufficient to justify dismissing the appeal.
14. 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.
15. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR