



Appeal Decision

Site visit made on 3 February 2025

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/T5150/W/24/3350968

610 North Circular Road, Neasden, London NW2 7QL

- 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 Zahur Khan against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/0864.
 - The development proposed was originally described as 'erection of a single storey rear extension, loft extension and conversion of property into 2 x self-contained flats.'
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Decision

1. The appeal is allowed and planning permission is granted for 'conversion of dwellinghouse into x2 self-contained flats, erection of single storey rear extension, hip to gable roof extension and rear dormer, with refuse storage, cycle storage and soft and hard landscaping to front and rear garden' at 610 North Circular Road, Neasden, London NW2 7QL in accordance with the terms of the application, Ref 24/0864, subject to the conditions in the attached schedule.

Preliminary Matter

2. The description of development in the banner heading above is taken from the planning application form. However, a different description has been entered on the appeal form which reflects the description stated on the Council's decision notice and which I consider to more fully and accurately describe the development shown on the submitted plans than that given on the application form. As a result and noting that it has been used by both main parties, I am satisfied that no injustice would be caused by my considering the appeal on the basis of the revised description and I have also used it in my formal decision.

Main Issue

3. The main issue is whether or not the appeal building would be of adequate size for conversion having regard to the effect of the proposed extensions on the character and appearance of the area.

Reasons

4. To maintain family-sized housing, Policy BH11 of the Brent Local Plan 2019-2041 sets out that conversion of a family-sized home to two or more other dwellings will only be allowed where, amongst other things, the existing home is 130sqm or more or could be acceptably extended to be that size.
5. The existing dwelling on the appeal site is a family-sized home of less than 130sqm, but the proposal includes extensions to the ground-floor and roof level which would increase its floorspace to over 130sqm. The Council has not objected

to the extensions to the roof and noting similar hip-to-gable alterations and rear dormers nearby, including neighbouring the site, I am satisfied that the roof level would not appear incongruous and would not detract from the character or appearance of the area.

6. At ground floor level, the main parties indicate that the proposed development would extend 6.85m from the rear of the original dwelling. This would significantly exceed the 3m depth that the Residential Extensions and Alterations Supplementary Planning Document 2 2018 ('SPD2') indicates will normally be permitted. It would also exceed the 6m depth that SPD2 indicates may be acceptable providing that for every additional metre beyond 3m, the extension is set in from the boundary by an additional metre, and it would further not include the specified set ins from the boundary. Nevertheless, SPD2 indicates that the requirement to be set in from the boundary beyond 3m is to protect neighbouring residential amenity. In this case, the neighbours to both sides have existing rear extensions and given the modest depth that the development would project beyond these extensions, I agree with the Council that the proposal would not cause unacceptable detriment to neighbouring living conditions.
7. Furthermore, I acknowledge that the extension would have a depth of over 50% of that of the original dwelling and would occupy a significant part of the existing garden. However, its flat roof and modest height would maintain an impression of subservience against the host building and would moderate the overall bulk and mass of the development. Moreover, I saw varied extensions and outbuildings to the rear of buildings on this part of North Circular Road. The rear extensions are generally of lesser depth than the development before me, but many of the nearby sites include very large outbuildings and based on my observations, the overall bulk and mass of the development and coverage of the space to the rear of the appeal building would not be out of keeping with these sites. The proposal would be visible from Eastleigh Close, but it would be appreciated against the surrounding development and in this context, I am satisfied that the depth and overall scale of the rear extension and the coverage of the site would not be striking and it would not appear excessive or disproportionate here. I am similarly satisfied that the development would not be unduly prominent in the locality.
8. The proposal would not comply with the detailed guidance on rear extensions in SPD2, but the guidance is just that and I find having regard to the above factors that the development would not stand out as incongruous or cause any meaningful harm to the character or appearance of the area. Accordingly, I find no conflict with Policies DMP1 or BD1 of the Local Plan insofar as they include requirements broadly seeking high quality design and development that complements the locality. On that basis, I am satisfied that the dwelling could be acceptably extended to a size of 130sqm as required by Policy BH11 of the Local Plan. As the proposal additionally includes a 3-bedroom dwelling with direct access to a garden and is within an area of moderate Public Transport Accessibility Level (PTAL 3), it would also comply with other criteria specified in Policy BH11.
9. For these reasons, I conclude that the effect of the proposed extensions on the character and appearance of the area would be acceptable. The appeal building would consequently be of adequate size for conversion, and I find no conflict with Policies DMP1, BD1 or BH11 of the Local Plan.

Other Matters

10. Views would be possible from the proposed roof level towards properties on Eastleigh Close. However, these would be similar to existing views from both the first floor windows to the appeal building and dormers to the adjacent properties and I am satisfied that there would not be new overlooking or a meaningful loss of privacy so as to cause unacceptable harm to neighbouring living conditions.
11. Although no parking would be provided for the dwellings, the Council indicates that this would comply with requirements in the London Plan 2021. Moreover, there is also no parking for the existing dwelling and while I note comments from interested parties referring to congestion on Eastleigh Close, there is no substantive evidence before me of existing parking pressure that would be harmfully exacerbated by the proposal. This matter would not therefore justify dismissal of the appeal.

Conditions

12. I have considered suggested conditions against the tests set out in the National Planning Policy Framework. I have made amendments where necessary to ensure compliance with these tests or for clarity, brevity or consistency.
13. In addition to the standard time limit condition (1), I have imposed a condition specifying the approved plans (2) for the avoidance of doubt and in the interest of certainty. Conditions requiring details of landscaping (3) and use of matching materials (4) are necessary in the interests of the character and appearance of the area and biodiversity. The Council suggested a condition to require details of cycle storage, but this is already shown on the submitted plans which the Council's report indicates would be acceptable in accordance with standards and I am unclear what further details would be required. I have therefore imposed a revised condition to require implementation of the indicated cycle storage, as well as refuse storage (5), which is necessary to ensure adequate provision for future occupiers.
14. I have also imposed a condition to restrict occupation of the dwellings as a House in Multiple Occupation ('HMO') (6) which I am satisfied would be necessary and justified in this case having regard to the circumstances of the appeal site and in particular the limited external space to be able to accommodate additional bin or cycle storage that might be required by an HMO.

Conclusion

15. I find for the reasons given above that while the proposal would not comply with detailed guidance in SPD2, it would nevertheless accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 610NCR/OS (location plan), 610NCR/01 (existing floor plans), 610NCR/02 (proposed floor plans), 610NCR/03 (existing elevations), 610NCR/04 (proposed elevations), 610NCR/05 (sections) and 610NCR/06 (block plans).
- 3) No development above ground level shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - i) Ground modelling showing both existing and proposed contours/levels;
 - ii) Boundary treatment, means of enclosure and retaining structures;
 - iii) Details of hard surfacing, including materials, details of permeable paving and sustainable urban drainage systems including any underground modular systems;
 - iv) Any other equipment and structures;
 - v) Details of soft landscaping works, including: planting plans; written specifications including cultivation and other operations associated with grass and plant establishment and schedules of plants noting species, plant supply sizes and numbers/densities; and a five year maintenance programme.

All hard landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development. All soft landscaping works shall be carried out in accordance with the approved details prior to first occupation of the development or within the first planting season thereafter, and shall then be maintained in accordance with the approved details.

Any new tree(s) that die(s), is/are removed or become(s) severely damaged or diseased, and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting, shall be replaced with another tree or plant of the same size and species as originally planted at the same place within the first planting season following the removal, damage, disease or death unless the Local Planning Authority gives its written consent to any variation.

- 4) The development hereby permitted shall not be occupied until bicycle and refuse storage have been provided in accordance with the details shown on the approved plans. The bicycle and refuse storage shall thereafter be retained in accordance with the approved details for the lifetime of the development.
- 5) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building in colour, texture and design detail.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), the residential units hereby permitted shall only be occupied for a use within Class C3 (Dwellinghouses) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) and shall at no time be changed to a use falling within Class C4 (Small Houses in Multiple Occupation) of that Schedule.

End of Schedule