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## Appeal Decision

Site visit made on 22 April 2025

by **U P Han BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 May 2025

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### **Appeal Ref: APP/T5150/W/24/3357613** **40 Dunster Gardens, London NW6 7NH**

- 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 Richard Medus against the decision of the Council of the London Borough of Brent.
  - The application Ref is 24/2157.
  - The development proposed is single storey side rear ground floor extension and deconversion back to a single family unit.
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### **Decision**

1. The appeal is allowed and planning permission is granted for single storey side rear ground floor extension and deconversion back to a single family unit at 40 Dunster Gardens, London NW6 7NH in accordance with the terms of the application, Ref 24/2157, and subject to the conditions in the attached schedule.

### **Main Issue**

2. The main issue in this appeal is the effect of the proposal on the supply of housing in the Borough.

### **Reasons**

3. Policy BH10 of the Brent Local Plan 2019-2041 (February 2022) (BLP) seeks to resist the net loss of residential dwellings except where one of the listed policy criteria are met. This includes where a) sub-standard dwellings would be brought in line with the London Plan space standards or b) where de-conversion of flats would create a family size home (3 bed or more) resulting in the net loss of no more than one dwelling of 2 bedrooms or less. Criterion c) does not apply as the proposal would not provide social or physical infrastructure, such as the examples provided in the supporting text of Policy BH10.
4. The appellant confirms that Flat C is a 2-bedroom 4 person flat. Flat C falls marginally short of the required minimum space standard set out in Policy D6 of the London Plan (March 2021) (LonP). Therefore, Flat C is sub-standard under the terms of criterion b) of Policy BH10. Flats A and B meet the relevant required space standards. It is unclear from Policy BH10 whether all the existing dwellings must be sub-standard to satisfy criterion a).
5. Notwithstanding the above, the proposal would nonetheless result in the net loss of 2 existing 2-bedroom dwellings, thereby conflicting with criterion b) of Policy BH10. While the appellant contends that Flat C should not count as loss of one

dwelling due to its failure to meet the London Plan space standards, criterion b) contains no reference to those standards.

6. For the reasons given, the proposal would result in the net loss of 2 existing 2-bedroom dwellings in the Borough. As such, it would conflict with Policy BH10 of the BLP.

### **Other Considerations**

7. Brent's Strategic Housing Market Assessment identifies a priority need for family accommodation (3 bed or more dwellings) in the Borough. Policy BH6 of the BLP indicates that the Council will seek to deliver a target of 25% of new homes as family sized (3 bedrooms or more) dwellings. According to the Council's most recent Authority Monitoring Report (2022/23) (AMR), only 12.5% of all dwellings completed in 2022/23 had 3 or more bedrooms. In 2021/22, the proportion was 13.2%. This means that Brent is not achieving its target for family sized homes.
8. The AMR shows that just 20 dwellings were lost during the 2022/23 monitoring year. As such, there is no sustained or substantial loss of homes in Brent due to the amalgamation of flats into family sized dwellings. Furthermore, the Council's Officer Report did not express any concerns that the proposal would lead to the Borough's overall housing requirement being missed or indicate specific under-delivery of 2-bedroom dwellings.

### **Other Matters**

9. The appeal site is within the North Kilburn Conservation Area (CA). Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the CA. The CA is significant for its cohesive and well-preserved Victorian and Edwardian residential streets, featuring terraces of brick and stuccoed houses with ornate bay windows and decorative architectural details. Due to the extent, nature and location of the proposed development, the character and appearance of the CA as a whole would be preserved.

### **Conditions**

10. A standard time condition for the commencement of development and a condition requiring compliance with the approved plans are necessary to provide precision and certainty. An external materials condition is necessary in the interests of the character and appearance of the area.

### **Planning Balance and Conclusion**

11. The proposal would result in the net loss of two dwellings which would reduce the supply of housing in the Borough. However, given the limited scale of dwelling loss that would result from the proposal, combined with the lack of evidence regarding unmet need for 2-bedroom dwellings and the sub-standard size of Flat C, I attribute limited weight to the harm identified to the housing supply of the Borough.
12. As outlined in 'Other Considerations', the proposal would deliver a family sized dwelling for which there is an identified priority housing need in the Borough. The AMR shows that there is significant under-delivery of family sized housing against the target set out in Policy BH6 of the BLP. I therefore attribute the benefit of an additional family sized dwelling moderate weight.

13. Therefore, the harm identified would be outweighed by the benefit of the scheme. The proposed development would conflict with the development plan, but material considerations indicate that a decision should be made other than in accordance with it. For the reasons given above the appeal should be allowed.

*U P Han*

INSPECTOR

**Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following drawings: Location Plan PP-13301524v1; 40006 - Existing Elevations; 40001 - Existing Floor Plans; 40002 - Existing Floor Plans; 40003 - Existing Section A-A; 40004 - Existing Section B-B; 40005 - Existing Section C-C; 40006 - Existing Elevations; 40007 Rev 2 - Proposed Floor Plans; 40008 Rev 2 - Proposed Floor Plans; 40009 Rev 2 - Proposed Section A-A; 40010 Rev 2 - Proposed Section B-B; 40011 Rev 2 - Proposed Section C-C; 40012 Rev 2 - Proposed Elevations.
- 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

**End of Conditions**