



Appeal Decision

Site visit made on 7 April 2025

by **F P Tinsley MA (Hons) MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 May 2025

Appeal Ref: APP/T5150/W/25/3358935

2 Milverton Road, Brent, London NW6 7AS.

- 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 and Mrs Silver against the decision of the Council of the London Borough of Brent.
 - The application reference number is: 24/1480.
 - The proposed development is described as 'demolition of existing 2 storey garage/annex and erection of a new 2 storey 3-bedroom dwelling alongside demolition of rear extension and erection of a single storey rear extension and side dormer to the main house.'
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Decision

1. The appeal is allowed and planning permission is granted for 'demolition of existing 2 storey garage/annex and erection of a new 2 storey 3 bedroom dwelling alongside demolition of rear extension and erection of a single storey rear extension and side dormer to the main house.' at 2 Milverton Road, Brent, London NW6 7AS in accordance with the terms of the application, Ref 24/1480, and the plans submitted with it, subject to the conditions detailed in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area.
 - whether acceptable living conditions would be provided for future occupiers of the proposed development with regard to privacy and internal living accommodation, including floorspace, outlook and access to daylight.

Reasons

Character and Appearance

3. Milverton Road is a residential street lined with large, predominantly detached dwellings, creating a pleasant streetscape. The houses are relatively uniform in appearance, featuring notable architectural elements such as double-height bay windows, many of which are capped with conical roofs. Towards the northern end of the street, adjacent to the appeal site, the architectural character shifts. Immediately north of the site is a property known as *The Lodge*, a residential building incorporating garages at ground-floor level with accommodation above. This resembles a mews-style development and has a more utilitarian design.

Further north, at the corner with Brondesbury Park, stands a large four-storey apartment building. Together, these elements contribute to a pleasant residential area with a varied architectural character.

4. The proposal involves the removal of an existing detached garage/annex serving 2 Milverton Road and its replacement with a two-storey dwelling. This is the only property along this stretch of Milverton Road with a garage or annex of this type. As such, it is not a defining feature of the streetscape and is something of an anomaly. Its character and appearance do not contribute to the streetscape and are more in keeping with *The Lodge* property to the north—immediately adjacent—rather than the dwelling it serves to the south.
5. The proposal is to replace the existing garage/annex with a two-storey dwelling of a similar width to the structure it replaces, but with a greater depth on the plot. The front elevation of the new building represents a departure from the design of the main houses on Milverton Road. However, it does share certain characteristics with the adjacent *Lodge* building, including the parapet height and the set-back pitched roof. Other notable features include the fenestration, with ground-floor windows influenced by the design of the garage doors on the north elevation of *The Lodge*. The arched main window at first-floor level references the curved bay windows present on several houses along Milverton Road. Additionally, planting is proposed at first-floor level to soften the façade, referencing the mature vegetation found at the front of several properties along the street extending from ground floor level.
6. I am satisfied that the proposal would not be a prominent or overly dominant addition to the street, which will continue to be characterised by its large houses. The design of the proposed dwelling references *The Lodge* building, to which it is attached, rather than the main houses along the street. This is an appropriate design approach within the context and setting, which has sufficient scale to accommodate a distinct architectural style for the new building. In many respects, the dwelling will visually integrate with *The Lodge* as part of a cohesive composition. Furthermore, the perceived massing of the dwelling, alongside *The Lodge*, will be reduced through the use of appropriate render, which has been successfully applied elsewhere on the street as an elevational treatment.
7. The building will stand out within the street scene. However, it will not appear visually jarring, given the mixed architectural context of the immediate vicinity. Instead, it will introduce visual interest and redevelop a site that has the capacity to accommodate a distinctive building such as the one proposed.
8. The design of the building follows a clear rationale, and I am satisfied that it will not be an incongruous addition that disrupts visual harmony. The use of vegetation at first-floor level is an innovative feature that will help bridge the gap between the greenery in the front gardens of the larger houses on Milverton Road and the vegetation to the north of *The Lodge* building.
9. For the reasons stated above, the proposal complies with Policies DMP1 and BD1 of the Brent Local Plan (2019-2041) (the Local Plan), which amongst other things supports innovative contemporary design where it respects and complements historic character and is fit for the future and seeks to ensure that new developments exhibit high levels of external amenity which compliments the locality.

Living conditions of future occupants

10. Policy D6 of the London Plan (2001) states the minimum floor to ceiling height must be 2.5m for at least 75 per cent of the Gross Internal Area of each dwelling.
11. The ground floor bedroom, bathroom, utility and part of the kitchen all propose 2.4 metre floor to ceiling height, therefore being slightly below the 2.5m requirement. Ceilings would be vaulted at first floor level and significantly above 2.5 metres in height. I estimate that approximately 50 per cent of ceilings in the unit would be 10 cm below the requirement.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that development should be in accordance with the development plan 'unless material considerations indicate otherwise', and this is reaffirmed in the National Planning Policy Framework (the Framework).
13. There are material considerations relating to the design of the proposed dwelling which warrant consideration in the context of proposed floor to ceiling height of the 2.4 metres which could mitigate the potential negative impact height on future occupiers.
14. The rear portion of the ground floor living area will include skylights which will provide a sense of openness and airiness in this area. This will be increased by the expansive glazed area which will extend to occupy most of the ground floor rear elevation of the building. It is likely that occupiers will spend much of their time in the dwelling in this area which would benefit from significant daylight and associated internal amenity.
15. Elsewhere at ground floor level, the narrowness of the unit would mean that room depth from windows is limited, and daylight would therefore be able to penetrate much of the floorspace in the dwelling. This penetration will be aided by the large areas of glazing in the roof and rear elevation. I am satisfied this would mean the reduced floor to ceiling height would not feel oppressive.
16. The area likely to experience the most potential negative impacts from the low floor to ceiling height would be the front bedroom at ground floor level. However, this benefits from a large window extending to ceiling level across the length of the room. This will assist in creating a sense of openness to significantly mitigate any sense of enclosure resulting from the floor to ceiling height in this room.
17. The dwelling would be a semi-detached 3-bed 6-person unit. Policy D6 of the London Plan (2021) outlines the required gross internal area (GIA) for 3-bed 6-person 2 storey dwellings to be 102sqm. The unit is proposed to be 135sqm and therefore exceeds the minimum floorspace requirement significantly. This size would act to mitigate the overall potential impact of low ceilings by providing a relatively spacious living area.
18. On balance, I am satisfied that the overall characteristics and scale of the living area at ground floor level as identified above mean a marginal reduction floor to ceiling height standards is justified in this instance in the context of Policy D6 of the London Plan and Policies DMP1 and BH13 of the Local Plan.

Other Matters

19. The proposed works to the existing house at 2 Milverton Road forming part of this application are noted. The Council raise no objection to this element of the proposals in their reason for refusal. I see no reason to disagree with the conclusion of the Council in respect of this aspect of the proposal.

Conditions

20. The Framework states that conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise, and reasonable in all other respects. I have considered the conditions put forward by the Council against the Framework and where necessary I have amended the wording in the interests of effectiveness and precision.
21. In the interests of certainty and clarity, I have imposed the standard conditions relating to the commencement of development as well as the approved plans.
22. Details of elevational treatments / material and roofing material (including colours) to be used on the new build dwelling shall be submitted to and approved in writing by the Local Planning Authority in the interests of the character and appearance of the area in compliance with Policies DMP1 and BD1 of the Local Plan.
23. I have not imposed the condition restricting permitted development rights relating to the change of use from Use Class C3 (residential) to a Use Class C4 (small HMO) as suggested by the Council. I have no evidence before me indicating why this condition is required.

Conclusion

24. I have found that the proposal complies with the development plan and no material considerations have been identified which would indicate that the requirements of the development plan should be set aside.
25. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

F P Tinsley

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Cover Letter (Dated 30th May 2024)

Rev 01 London Plan - Planning Fire Safety Strategy (Dated 17th May 2024)

Urban Greening Factor Calculation (Received on 6th August 2024)

Design & Access Statement (Dated August 2024)

Landscape Management Plan (Dated September 2024)

0166_00_SU_000 Site Location Plan and Block Plan

0166_01_EX_000 Existing Plan (With tree location)

0166_01_EX_000 Rev 1 Existing Plans Sheet 1 of 2

0166_01_EX_001 Rev 1 Existing Plans Sheet 2 of 2

0166_01_EX_002 Rev 1 Existing Elevations Sheet 1 of 2

0166_01_EX_003 Rev 1 Existing Elevations Sheet 2 of 2

0166_01_EX_004 Rev 1 Existing Sections A & B

0166_03_PL_000 Rev 1 Proposed Plans Sheet 1 of 2

0166_03_PL_001 Rev 1 Proposed Plans Sheet 2 of 2

0166_03_PL_002 Rev 1 Proposed Elevations Sheet 1 of 2

0166_03_PL_003 Rev 1 Proposed Elevations Sheet 2 of 2

0166_03_PL_004 Rev 1 Proposed Sections A & B Coach House

0166_03_PL_005 Rev 1

3. Before the commencement of any works of construction above foundation level, the samples of elevational treatments / material and roofing material (including details of colours) to be used on the new build dwelling shall be submitted to and approved in writing by the Local Planning Authority.

ENDS