



Appeal Decision

Site visit made on 28 May 2025

by N Armstrong BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2025

Appeal Ref: APP/T5150/W/25/3361199

384 Neasden Lane North, London NW10 0BT

- 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 I Gallagher against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/3269.
 - The development proposed is the conversion of existing ground floor retail unit to provide an additional self-contained flat, with internal reconfigurations to the existing self-contained flats at ground and first floor level and the provision of cycle parking and bin store at 17 Jackman Mews, NW2.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The submitted location plan shows that the red line boundary of the appeal site is split between two areas. One comprises the property to be converted for residential use at 384 Neasden Lane North and the other comprises a building to the rear at 17 Jackman Mews, which is proposed to be used for cycle parking and bin storage. The address used in the banner heading above is taken from the Council's decision notice and the appeal form as this is more precise than that on the application form.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers of the additional new ground floor flat, with particular regard to outlook, privacy and daylight.

Reasons

4. The appeal site is situated within a group of three storey terraced properties that front onto Neasden Lane North, with a mix of commercial units and frontages at ground floor level. The submitted plans show that the ground floor of the appeal site comprises a retail unit to its front section, which did not appear to be in use at the time of my visit, and a ground floor flat to the rear section. The plans also show that the first floor of the property is in residential use. The building at 17 Jackman Mews forms one of a row of similar garage buildings with roller shutter doors and is currently used for cycle and bin storage.
5. The proposal would see the creation of an additional flat within the building at ground floor level through the conversion of the existing retail unit and internal

alterations to the layout of the existing ground and first floor flats. The existing front elevation plans suggest that this currently features frosted glass below the transom line of the glazing at a higher level, although I observed this to be clear glazing with internal nets hung behind. The proposed plans show external changes to this elevation, with frosted glass up to 1.2 metres above floor level, and stated to equate to 1.4 metres at outside ground level, with clear glass above.

6. Policy D6 of The London Plan, The Spatial Development Strategy for Greater London (2021) (the LP) is relevant to housing quality and standards. This states that single aspect dwellings should normally be avoided, and only provided where it is considered a more appropriate design solution to meet other requirements within Policy D3 of the LP than a dual aspect dwelling, and it can be demonstrated that it will have adequate passive ventilation, daylight and privacy, and avoid overheating.
7. The proposal would have a single aspect with its only windows facing directly onto a pavement, with designated on-street parking and the highway beyond. At the time of my visit on a weekday morning, I observed Neasden Lane North to be a busy road with continuous traffic flow. Pedestrians were using the pavement to the frontage of the site in both directions, and the parking spaces were also in use.
8. The pavement in front of the appeal site is relatively wide and features paving flags in the section immediately to the front and block paving for the section up to the parking spaces. The pavement is at its widest to the front of 388 Neasden Lane North, which also features cycle parking stands and a bollard in this area. Other signage, cycle parking stands, street furniture and landscaping are located within the block paved area along its length, therefore obstructing parts of this area to some degree.
9. The pavement then narrows at the front of the adjacent semi-detached residential properties and leads to a bus stop further beyond. I noted the width of the pavement to the appeal site frontage and the angle at which it leads to and from the front of the adjacent residential properties. I also observed that some vehicles parked in the designated bays overhung part of the pavement and the position of a car parking restriction sign within the block paved area of the pavement in the vicinity of the appeal property, partially obstructing the route.
10. Having regard to the above, and due to the position of the appeal property in the row, I consider that there would be a higher likelihood of pedestrians using the part of the pavement closer to the appeal site frontage. Even if users were passing further from the windows, and despite the proposed extent of frosted glass, there would be a significant potential for adverse impacts in terms of the privacy of future occupiers of the new ground floor flat given the outlook from the only windows directly onto the street frontage and the lack of any buffer from this.
11. The appellant's 'Technical Note, Subject: Daylight Study' demonstrates the level of natural light that the new flat would achieve. However, due to the single aspect and adverse impacts on privacy for its occupiers, as established above, I consider it would be highly likely that occupiers would make use of the proposed blinds during daylight hours due to activity on the street frontage. As a result, this would reduce any potential benefit associated with achieving adequate daylight levels. Consequently, future occupiers would effectively be choosing between maintaining privacy at the expense of daylight, or vice versa, and the LP does not set out that

these are interchangeable matters. There would also be poor outlook for future occupiers as the blinds are likely to be closed during daylight hours to maintain privacy. Whilst the Council has no objection in respect of ventilation following the submission of further detail, it has not been demonstrated that the proposed development would achieve adequate daylight and privacy for its occupiers.

12. The appellant has highlighted the Housing Design Standards (2024). Whilst I do not consider that exceptional circumstances have been demonstrated in that respect, the extract provided also makes clear that it must be demonstrated that, amongst other matters, the development will have adequate daylight and privacy. For the reasons set out above, this has not been demonstrated in this case.
13. The appellant has directed me to another development of flats opposite the site. This is not directly comparable to the appeal proposal as it is set back from both adjacent highways, one of which is entirely different in the nature and level of use to Neasden Lane North as it is not a through road and serves a relatively small group of residential properties. It also features boundary treatments and landscaping that act as a buffer from the nearest pavements and roads.
14. I conclude that the proposed development would not provide appropriate living conditions for future occupiers of the additional new ground floor flat with regard to outlook, privacy and daylight. It would therefore conflict with Policy D6 of the LP, the aims of which are set out above, and Policy DMP1 of the London Borough of Brent, Brent Local Plan 2019-2041, which amongst other things, seeks to ensure development provides high levels of internal amenity.

Other Matters

15. The appellant highlights a scheme¹ for a flat covering the full ground floor area that was permitted under the Schedule 2, Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) prior approval procedure. However, I note that was for a materially different dual aspect layout and form of development determined under a separate procedure. The appeal scheme seeks planning permission, and I have assessed the proposal on its individual merits having regard to the development plan. I do not consider that the Class MA permitted development rights weigh in favour of the scheme in this instance or justify the harm that I have found.
16. I have had regard to the appellant's comments that the proposal would add to the mix of housing, provide cheaper accommodation and contribute to the overall provision in the area. However, these matters do not justify the harm I have identified or alter my conclusion on the main issue.
17. Where the proposal has been found to be acceptable in other respects, for example in terms of the principle of development in this location, design, living conditions of neighbouring residents, internal space standards and transport, these are neutral matters and do not weigh in favour of the development.

¹ Prior Approval application ref 21/3327

Conclusion

18. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR