



Appeal Decision

Site visit made on 3 June 2025

by **P Storey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th July 2025

Appeal Ref: **APP/T5150/W/25/3359019**

7 Hill Close, Brent, London NW2 6RE

- 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 Eddy Reaidy against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/2486.
 - The development proposed is described as:
Proposed change of use from dwellinghouse to x3 self-contained flats.
Removal of porch and front bay window, erection of front extension to create refuse storage.
x2 ground floor side obscure glazed windows, rear dormer, roof terrace to side elevation.
Solar panel to roof and cycle storage to front garden.
EV charge point.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would:
 - accord with the spatial strategy of the development plan concerning housing mix and accessibility to sustainable transport;
 - have an acceptable effect on the character and appearance of the area;
 - deliver suitable living conditions for future occupiers, with specific regard to outlook and floor-to-ceiling heights;
 - provide adequate car parking, bin storage and cycle storage;
 - be acceptable in terms of biodiversity, geodiversity and urban greening;
 - include appropriate measures for fire safety;
 - have an acceptable relationship to the neighbouring school, in terms of overlooking and the potential to prejudice future development.

Reasons

Housing mix and sustainable transport

3. The appeal site is a detached 4-bedroom house. The proposal seeks to convert it into 3 self-contained units. Flat 1 would occupy the ground floor and would feature 3 bedrooms. Flat 2 would occupy the first floor and would provide a single

bedroom. Flat 3 would be a 1-bedroom maisonette spread over the first floor and loft level, with the bedroom at first floor and the living/kitchen area at loft level.

4. Policy BH11 of the Brent Local Plan 2019-2041, Adopted February 2022 (the BLP) supports the conversion of family-sized homes (3 or more bedrooms) where they meet all criteria listed as a), b) and c). There appears no dispute between the parties that the proposal would comply with criteria a) and b), which require the existing home to meet a minimum floorspace and for at least one 3-bedroom unit to be retained within the conversion, with direct access to a garden/amenity space.
5. However, criterion c) requires the site to be within an area with a public transport accessibility level (PTAL) of 3 or above. The main parties concur that the site has a lower PTAL of 1b. Policy BH11 states that exceptions to this policy will only be allowed where the amenity of the existing family sized home is so deficient that family occupation is unlikely. In this case, the existing property is a good-sized family home, and I am not persuaded that this exception test is met.
6. BLP Policy BH4 reinforces that proposals for the intensification of sites will generally be supported where the site has a PTAL of 3 or above, within intensification corridors or a town centre boundary. Whilst the appellant highlights the site's proximity to public transport, local shops and services, Policy BH4 places emphasis on high public transport accessibility as a prerequisite for intensification. The PTAL rating of 1b indicates a low level of connectivity, and the site is not located within a designated intensification corridor or town centre boundary. The policy's intent is to direct higher-density development to areas with robust transport infrastructure to support sustainable travel patterns. The site's characteristics do not align with this strategic objective.
7. For these reasons, I conclude that the proposed development would not accord with the spatial strategy of the development plan concerning housing mix and accessibility to sustainable transport. It would therefore conflict with Policies BH4 and BH11 of the BLP, the aims of which have previously been set out.

Character and appearance

8. Policy DMP1 of the BLP requires, among other objectives, for the siting, layout, scale, materials, detailing and design of development to provide high levels of internal and external amenity and to complement the locality. This is supported by the Residential Extensions and Alterations Supplementary Planning Document, January 2025 (the SPD). This supersedes The Residential Extensions & Alterations 'SPD2', January 2018, which was in place at the time the planning application was determined and is referenced in the Council's officer report and decision notice. The latest version of the SPD was adopted following a period of consultation and is a material consideration in the decision-making process.
9. The Council's concerns in respect of this issue relate to the proposed rear dormer window, the side-facing rooflights, the removal of the front ground floor bay window, and the installation of an additional door to the front elevation to provide access to the bin storage area.
10. The Council considers that removing the ground floor bay window while retaining the upper bay would unbalance the front elevation. The two-storey bay is a defining architectural feature of both the property and the wider streetscene, with similar forms repeated along the street. Its partial removal would disrupt the

rhythm of the façade, resulting in a top-heavy and visually discordant appearance that would be at odds with the established character of the area. Although the appellant has submitted revised drawings reinstating the ground floor bay, these were not before the Council at the time of its decision and would materially alter the proposal. In line with the Holborn Studios¹ judgment, accepting such revisions at appeal stage would prejudice the rights of interested parties. I have therefore assessed the proposal as originally submitted and find that this element would conflict with Policy DMP1 of the BLP and the relevant design guidance in the SPD.

11. In respect of the rear dormer, the Council cites conflict with the provisions of SPD2. However, the latest version of the SPD sets different design guidance for dormer windows, and I am not convinced the proposal would conflict with its provisions or, by extension, with the policies of the development plan.
12. The side-facing rooflights, would have a low-profile design that would not project significantly beyond the plane of the roof slope. Accordingly, irrespective of whether the rooflights were in their open or closed position, I do not find they would be unduly prominent or uncharacteristic in the context of the surroundings.
13. The additional door to the front elevation, intended to provide access to internal bin storage, is not a second front door in the traditional sense. It is modest in scale and would reduce visual clutter by avoiding the need for external bin storage. Whilst not typical of the immediate streetscene, similar features exist in the wider area, and appropriate materials and detailing could be secured through a suitable planning condition. I therefore do not find this element of the proposal to be harmful to the character of the property or the area.
14. In conclusion, whilst the proposed dormer window, rooflights, and bin store door would be generally acceptable, the removal of the ground floor bay window would result in harm to the character and appearance of the host property and the area. The proposal would therefore conflict with Policy DMP1 of the BLP and the SPD, the aims of which have previously been set out.

Living conditions

15. Policy D6 of the London Plan, March 2021 (the LP) sets both quantitative and qualitative standards for new housing. Among other objectives, it requires all new dwellings to provide adequate internal space, light, outlook, and a minimum floor-to-ceiling height of 2.5 metres for at least 75% of the Gross Internal Area (GIA). It also emphasises the importance of comfortable and functional layouts that meet the needs of residents.
16. The Council raises concern that Bedroom 3 of Flat 1 would be served by a side-facing, obscure-glazed window located adjacent to a boundary fence. Although the appellant argues that the room would receive adequate daylight, the outlook would be severely constrained by the proximity of the boundary fence and the use of obscure glazing. Even if the fence were removed, the proximity to the boundary and land outside the appellant's control would mean it would not be possible to safeguard the provision of future light and outlook. Accordingly, this bedroom would fail to provide a comfortable or functional living environment, contrary to the aims of Policy D6.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

17. The Council also questions whether the development would achieve the minimum floor-to-ceiling height required by Policy D6. Whilst the appellant contends that the submitted drawings demonstrate compliance, these do not include internal sections or clearly annotated ceiling heights. I am therefore not persuaded that the submitted evidence is sufficiently detailed to confirm this.
18. However, there is no indication that the ceiling heights would be materially lower than existing levels within the property, and any shortfall below the Policy D6 requirements would likely be minor. Given these factors, and that the units otherwise meet the minimum space standards, I find that the potential shortfall in ceiling height would not, in this instance, result in harmful living conditions for prospective occupiers.
19. To conclude on this issue, whilst I find no specific harm in terms of the proposed floor-to-ceiling heights, the unsatisfactory outlook from Bedroom 3 of Flat 1 would result in substandard living conditions for future occupiers. This would conflict with the provisions of LP Policy D6, the aims of which have previously been set out.

Car parking, bin storage and cycle storage

20. Policies BT2 and BT4 of the BLP set out requirements for managing the impact of parking and the formation of new accesses onto roads. Policy BT2 promotes car-free development in areas well-connected by public transport and requires that any parking provision avoids negative impacts on the environment, highway safety, and on-street parking conditions. It also requires that front gardens retain at least 50% soft landscaping to support natural drainage. Policy BT4 permits new or intensified access to the highway only where it is safe, visually acceptable, and does not result in the loss of more than one on-street parking space on heavily parked streets.
21. The proposal includes two off-street parking spaces to serve the three proposed units. The Council considers this insufficient, given the site's low PTAL rating and the narrow width of Hill Close, where existing conditions already result in parked vehicles partially obstructing footways and restricting pedestrian movement. My observations during the site visit aligned with the Council's concerns regarding the current parking situation on the street.
22. The appellant proposes that the top flat would be marketed as 'car-free'. However, as no legal mechanism has been provided to secure this, and the site is not within a Controlled Parking Zone (CPZ), I am not convinced that this could be enforced.
23. Policy BT2 requires that development should not add to on-street parking demand where existing capacity is already constrained. Given the likely parking demand and the limited capacity of Hill Close, I find that the proposal would likely exacerbate existing parking pressures, contrary to Policy BT2.
24. In terms of landscaping, the front garden is currently hard-paved. However, the proposal would result in the further loss of the remaining soft landscaping, including hedgerow vegetation along the front boundary. Although the appellant submitted a revised landscaping plan at appeal stage, this was not before the Council at the time of determination. However, given the factors discussed, I am not persuaded that the revised plan would address the policy requirements given the further reduction in soft landscaping.

25. The creation of a new crossover is not inherently unacceptable in this location at the end of a cul-de-sac with limited passing traffic, and I find no specific harm under Part A of Policy BT4. However, the submitted plans do not demonstrate that the crossover would be visually acceptable or that it would avoid the loss of more than one on-street parking space, as required by Parts B and C of Policy BT4. The absence of these details undermines the proposal's compliance with the policy.
26. Turning to cycle storage, the proposal includes six vertical cycle lockers, exceeding the minimum requirement of five spaces. Whilst the Council raises concerns about the accessibility of this storage, I am not presented with any specific policy conflict relating to such provision. As such, I am satisfied that the proposed cycle storage would be acceptable.
27. Bin storage is proposed within a dedicated storeroom accessed via the secondary door on the front elevation. The Council questions whether the space and access are sufficient. The appellant submits that the internal area meets the minimum requirement for four 240L bins and that the 900mm access door is adequate. While a larger store might improve convenience, I find the proposed arrangement to be functional and broadly acceptable.
28. Whilst I find no harm in terms of the proposed cycle and bin storage arrangements, I conclude that the development fails to demonstrate that car parking demand could be adequately accommodated on site, fails to address landscaping requirements for front garden parking areas, and provides insufficient evidence of compliance with crossover policy requirements. Accordingly, the proposal would conflict with Policies BT2 and BT4 of the BLP, the aims of which have previously been set out.

Biodiversity, geodiversity and urban greening

29. Policy BGI1 of the BLP requires development to avoid detrimental impacts on geodiversity and to demonstrate a net gain in biodiversity. BLP Policy BH4 requires all residential developments of fewer than 10 dwellings to achieve an Urban Greening Factor (UGF) of 0.4 on site.
30. The Council refused the application on the basis that insufficient information had been provided to assess whether the proposal would meet these requirements. At appeal stage, the appellant submitted a landscaping plan and asserted that the proposal would achieve a UGF of 0.4 and provide 30% soft landscaping. The use of permeable paving is also proposed to support sustainable drainage. These measures are positive and generally support the aims of Policy BGI1.
31. However, whilst the appellant claims compliance with the UGF target, no formal UGF calculation or biodiversity metric assessment has been submitted to substantiate this. Policy BH4 is explicit in requiring a UGF of 0.4 for the proposed development, and without a quantified assessment, it is not possible to verify compliance. Similarly, whilst there is no clear indication of harm to geodiversity, no evidence has been provided to demonstrate a measurable net gain in biodiversity, as required by Policy BGI1 and supported by LP Policy G6.
32. For these reasons, I conclude that the proposal does not adequately address the requirements for biodiversity enhancement and urban greening, and therefore fails to accord with Policies BGI1 and BH4 of the BLP, and Policy G6 of the LP, the aims of which have previously been set out.

Fire safety

33. The Council considered the proposal failed to comply with the requirements of Part A of LP Policy D12, concerning fire safety. This policy applies to all development and requires proposals to demonstrate how fire safety has been considered from the outset of the design process.
34. Following the Council's decision, the appellant submitted a fire safety statement and a fire access plan as part of the appeal. These documents were not before the Council at the time of its determination and therefore did not inform the original decision. However, they do not alter the nature or scope of the development proposal. Instead, they serve to clarify how the scheme would comply with the fire safety objectives of Policy D12. The Council has also had the opportunity to comment on these details during the appeal process. As such, I consider it reasonable to take them into account in determining this appeal.
35. The submitted details adequately address the relevant criteria set out in Part A of Policy D12 that are applicable to this type of proposal. Accordingly, I conclude that the proposed development would include appropriate measures for fire safety and would comply with LP Policy D12, the aims of which have previously been set out.

Relationship to school

36. The Council raised concerns that the side-facing rooflight with an opening terrace feature would result in overlooking of the adjacent primary school playground, thereby raising safeguarding concerns. It also argues that the feature could prejudice the future development potential of the neighbouring site. Collectively, the Council considers these factors would result in conflict with Policy DMP1 of the BLP and the guidance in the SPD, which require development to be of a design and layout that provides high levels of amenity and does not result in unacceptable impacts on surrounding uses.
37. Whilst I acknowledge the Council's safeguarding concerns as a material planning consideration, I note that the rooflight would not be directly adjacent to the playground and that a reasonable degree of separation exists. The school is already subject to passive surveillance from surrounding streets, and the proposed rooflight would not significantly increase the level of visibility or introduce a new form of harm. Furthermore, I acknowledge the appellant's statement that overlooking of school grounds by residential properties is common in urban areas, including at recent developments within Brent. Parts of the school in question are also already visible from public vantage points due to its open fencing.
38. I am not directed to any specific planning policy or guidance prohibiting residential windows from overlooking school grounds, and accordingly I am not persuaded that the proposal would result in demonstrable harm in this regard.
39. The Council also argues that the proposal would prejudice future development of the school site. However, I must base my decision on the current use of land and the evidence before me, not on hypothetical or speculative scenarios. In this case, no formal proposals for redevelopment of the school site have been submitted or identified. In this context, I find no substantive harm arising from this aspect of the proposal.

40. For these reasons, I conclude that the proposed rooflight would not result in unacceptable overlooking or safeguarding concerns, nor would it prejudice future development of the adjacent site. In respect of this issue, the proposal would accord with Policy DMP1 of the BLP and the relevant guidance in the SPD.

Other Matters

41. The proposed development would deliver two additional self-contained residential units, making efficient use of the land. The contribution to housing supply aligns with the Government's objective of significantly boosting the supply of homes, as set out in the National Planning Policy Framework (the Framework) and reflected in the development plan. However, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, this appeal must be determined in line with the development plan unless material considerations indicate otherwise.
42. Given the identified conflict with the development plan, I do not consider the benefits associated with the delivery of additional housing to be sufficient to justify a departure from its policies.

Conclusion

43. The proposal would conflict with the development plan as a whole and there are no considerations, including the provisions of the Framework, to lead me to a decision other than in accordance with the plan. I therefore conclude that the appeal should be dismissed.

P Storey

INSPECTOR