



Appeal Decision

Site visit made on 24 July 2025

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2025

Appeal Ref: APP/T5150/W/25/3364179

9-11 Bridge Road and part of 13 Bridge Road, Wembley, Brent HA9 9AB

- 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 Zulfiqar Usman (Elegance Estates Limited) against the decision of the Council of the London Borough of Brent.
- The application Ref is 25/0059.
- The development proposed is erection of a two-storey block comprising two one-bedroom flats, refuse and cycle storage, utilising the existing access from Bridge Road for the neighbouring site. Subdivision of the commercial unit to return it to two separate commercial units (Use Class E).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's submissions include 3 amended plans which were not before the Council when it made its decision. Drawing 202 B depicts amended proposed elevations and sections. In comparison to the rendition of the plan determined by the Council, this drawing proposes that the ceiling heights be increased from 2.4 metres (m) to 2.5m, some more glazing to the proposed flat's main living areas and an annotation depicting areas of sedum roof is altered to intensive green roof. Whilst drawing 202 B presents an evolved scheme, the changes made in comparison to what the determined plan shows are modest ones. Furthermore, I am satisfied that the nature and extent of the changes submitted on drawing 202 B mean that no interested parties would be prejudiced by the content of the plan, even though a dedicated consultation upon it has not taken place. Therefore, I have had regard to drawing 202 B in my decision.
3. Further versions of the proposed floor plans have also been submitted: drawings 201 B and 201 C. These plans include amendments to the proposed bin and bike storage area within the corridor which provides access to neighbouring accommodation. Although interested parties have been notified of the appeal, no dedicated consultation upon these amendments has taken place. I find it reasonably likely that there could be residents unaware of the repercussions of plans 201 B and 201 C. If I were to accept these plans, I find that it would deprive residents the level of opportunity to consider changes that they would reasonably expect to be afforded. This would be procedurally unfair. Therefore, in coming to my decision, I have disregarded drawings 201 B and 201 C.

Main Issues

4. The main issues are:

- The effects of the proposed development upon servicing and highway safety;
- Whether acceptable living conditions would be provided for the occupiers of Flat 4, in particular regard to outlook, light and the quality of their external amenity space, and for the occupiers of Flat 5, in particular regard to the quality of their external amenity space;
- Whether adequate cycle storage would be provided;
- Whether the proposed development would achieve a satisfactory urban greening factor;
- Whether the proposed development would adequately minimise the risks posed from fire; and
- Whether the proposal is required to achieve a biodiversity net gain and whether it would do so, and the effects of the proposal upon geodiversity.

Reasons

Servicing and highway safety

5. To the rear of the appeal site there is a back lane. The existing plans show that the existing commercial unit, Nos 9-11 Bridge Road, can be accessed through an external door via a hardstanding area off the back lane. This arrangement provides a means to service the existing commercial unit off the highway, and from the quieter conditions of the back lane, as opposed to the heavily trafficked main road to the front. Such an arrangement is conducive to efficient and safe servicing.
6. Although the appellant asserts that the hardstanding to the back of the unit is not used, I have no substantive evidence of this and, during my visit, a car was parked on it. Regardless, the hardstanding's presence provides the site with the servicing option I have described above.
7. Whilst the appellant asserts that the 2 commercial units proposed would be better suited to professional service occupation, and that marketing would reflect this, the proposal seeks permission for Use Class E units. Therefore, permission for the development applied for would allow for a wide range of businesses to occupy the commercial units including the likes of shops, and some food and drink premises. Such uses would bring with them servicing requirements such as the delivery of goods.
8. The proposal would provide no access door to the commercial units from the rear and, together with the redevelopment of the hardstanding, the option to serve the site's commercial function from the rear would be lost. Instead, servicing would have to take place from the front via the heavily trafficked road which is the subject of parking controls and double yellow lines.
9. I have been provided with no substantive evidence which demonstrates to me that the parking spaces at the front are not in high demand during the daytime. Since the option to service the site from the rear would be lost, the proposal would contribute further to competition for on-street parking and pull-in space. During my visit I noted that several cars were parked on the double yellow lines. Although this

represents only a snapshot in time, it indicates further at the demand for space and emphasises to me how realistic the prospect is that those needing to park or pull-in from the main road would be likely to turn to inconsiderate and unsafe solutions.

10. I have considered whether it would be appropriate to utilise a condition controlling commercial deliveries to particular time periods. However, in the absence of detailed evidence on when on-street parking is most or least in demand, I cannot accurately prescribe when servicing should take place. Furthermore, this does not address that the convenient servicing arrangements currently in place would be lost as a result of the development. Consequently, seeking to control the servicing arrangements via condition would not address my concerns nor provide an adequate solution in this instance.
11. Therefore, the existing efficient servicing arrangement in place to serve the commercial occupation at the site would be lost, replaced with a far less desirable arrangement to serve the 2 commercial units proposed. For these reasons, I find that the effects of the proposed development upon servicing would be unacceptable with detrimental effects upon highway safety the outcome.
12. Consequently, the proposal conflicts with Policy DMP1 of the Brent Local Plan 2019-2041 (the BLP) which, amongst its criteria, requires development proposals to be satisfactory in terms of servicing. The proposal also conflicts with Policy BT3 of the BLP which seeks to provide optimum servicing and delivery arrangements within new developments, provide servicing off the highway wherever possible, with the loss of existing servicing resisted where it is still required to meet operational needs.

Living conditions

13. Amended drawing 202 B identifies that the proposed flats would benefit from a ceiling height of 2.5m. This addresses a deficiency with the previous rendition of the plan and meets the requirements of Policy D6 of the London Plan 2021 (the LP) in respect of ceiling heights.
14. Flat 4 would be served by a window to its bedroom and French doors off its living room. The amount of glazing proposed by this fenestration would be generous.
15. Despite these factors, Flat 4 would be a single aspect dwelling. In comparison to dwellings with aspect on multiple sides, which brings with it inherent benefits, the compromises brought with single aspect dwellings can mean that they fail to deliver adequate living conditions. Reflective of this, Policy D6 of the LP sets out that single aspect dwellings should generally be avoided.
16. Flat 4 would have an easterly/south-easterly aspect. This is preferable to having a northerly aspect, however, a line of trees is located close-by on the opposite side of the back lane. They are verdant, but they are also very closely positioned to the flats proposed, and they would provide the development with a strong sense of enclosure on this side. Furthermore, I consider it very likely that they will restrict light levels in the area, particularly when they are in full leaf. Oversailing Flat 4's French doors would be the balcony serving Flat 5. This would add to the sense of enclosure affecting Flat 4 and further affect light received within it.

17. During my visit I noted that the back lane the flats would be orientated toward contained parked vehicles, considerable amounts of waste and rubbish, and temporary fencing. I have been presented with no substantive evidence that the conditions are generally more pleasant than the ones I witnessed. Therefore, the environment the flats would be orientated towards is unattractive.
18. Whilst Policy D6 of the LP sets out minimum standards for external amenity space, Policy BH13 of the BLP sets higher standards, and the LP indicates that the local standards should take precedence in such circumstances. Policy BH13's applicable requirement is 20m² of private external amenity space per dwelling.
19. Flat 4 would be served by a balcony of 10m² and Flat 5 by a 9m² balcony. Therefore, each external amenity space proposed would fall short of BH13's quantitative requirements and considerably so. Given the back lane's unappealing condition and character, and the sense of enclosure formed by the trees, high quality external amenity spaces would also not be provided.
20. Chalkhill Park is nearby, and its recreational space and facilities provide some mitigation for the deficiencies I have set out in respect of the private external spaces' quantity and quality. However, in the absence of any substantive evidence of the types of community groups and sports facilities the Ark Academy has, nor any assurances that they would be available to the occupiers of the proposed flats, the presence of the Ark Academy opposite the site does not, in contrast, provide mitigation of any substance.
21. Foremost, BLP Policy BH13 demands adequate private external amenity space. For the reasons given, this would not be met by the proposal. The mitigation provided by the other recreational space options drawn to my attention are not collectively sufficient for me to conclude that the proposal complies with the Policy, nor that the development is acceptable in these regards.
22. Therefore, altogether, I have identified factors which infringe upon the outlook available from Flat 4 and the light received by it. In the case of both Flat 4 and Flat 5, their private balconies are deficient in size and would not provide a high-quality environment. Alternative, off-site open space provision weighs in favour of the proposal but not to the extent that would allow me to conclude that the proposal's external private space provision would be acceptable or compliant with relevant policy.
23. In coming to these views, I have had regard to the appellant's submissions that glazed internal doors could be used to maximise light. However, given the position of the doorways within Flat 4, the benefit of this would be limited and, furthermore, glazed doors are not identified on the plans, and I am not certain they would be delivered and retained. The back lane terminates beside the site meaning that there would be little passing traffic, however, this would do very little to mitigate the outlook, light and external space deficiencies I have described.
24. The appellant highlights to me that other existing flats have a similar outlook to that which would be provided for by the appeal scheme, and I note the planning permission granted by the Council for adjacent flatbed accommodation¹.

¹ Planning Permission Reference 19/1018

25. However, in refusing planning permission for the development the subject of the appeal, the Council has not accepted the living conditions which would be provided for in this case. The matter therefore falls for my determination, and I must consider the case on its own merits. I have formed my own view, based on the evidence before me now, taking account of the current planning circumstances.
26. Therefore, I conclude that acceptable living conditions would not be provided for the occupiers of Flat 4, in particular regard to outlook, light and the quality of their external amenity space, nor for the occupiers of Flat 5, in particular regard to the quality of their external amenity space. Consequently, the proposed development conflicts with Policies DMP1 and BH13 of the BLP, and Policy D6 of the LP. Altogether, in summary and amongst other matters, these Policies require housing developments to deliver high-quality design with comfortable and functional layouts which are fit for purpose, which deliver high levels of amenity including sufficient light and adequate private external space.

Cycle storage

27. Policy BT2 of the BLP and T5 of the LP together establish cycle parking standards. The Council has set out that, in order to meet these standards, 3 cycle parking spaces would need to be delivered to serve the flats proposed. I have been provided with no substantive evidence to come to a different conclusion.
28. On entering the appeal site via the entrance serving Flats 1-3, the existing ground floor plan depicts bike and bin storage within a corridor. The Council has asserted that this storage area is required to serve the flatted accommodation already granted planning permission², and the appellant has not articulated to me that they consider the Council's assertions to be inaccurate in this regard.
29. The proposed plans show that, in order to cater for the additional flats, the storage area depicted on the existing plans would be rationalised and enlarged. During my site visit, I witnessed that no bike or bin storage was in situ. I also noted that the corridor route accessed from the entrance point on Bridge Road was narrow. Roughly midway along the corridor there is a wall projection which creates a narrower still section of it. This wall projection is not identified on the plans before me.
30. Therefore, altogether, to deliver the necessary cycle parking, a significant storage area as a whole is proposed within a part of the appeal site with layout constraints and varied access requirements. Given my site observations and the degree of the precision of the plans before me, I am not confident that the quantum of storage proposed could be provided without causing unacceptable obstruction and impediment to the corridor's use. Therefore, the proposal has not demonstrated to me that the development plan's cycle storage requirements would be achieved.
31. Due to these findings on the effects of delivering the storage, I am not satisfied that it would be appropriate to defer the matter and to seek to resolve the precise details of it via the imposition of a condition. Furthermore, no solutions alternative to the corridor storage area which meet the objectives of the development plan's cycle parking standards are before me. In coming to these views, I note the Council's suggested condition. However, it is not unusual for conditions to be

² Planning Permission Reference 19/1018

suggested which relate to matters in dispute, and I have not taken the Council's condition to mean that its objections in respect of cycle parking have gone away.

32. For the above reasons, I conclude that the proposal has failed to demonstrate that adequate cycle storage would be provided. As a result, the proposal conflicts with Policies DMP1 and BT2 of the BLP, and Policy T5 of the LP. Altogether, these Policies set out that cycle parking should be provided in accordance with the applicable standards or propose appropriate alternatives where this is not possible, be appropriately designed, whilst they also demand that developments are satisfactory in relation to manoeuvring, access for all and infrastructure provision.

Urban greening

33. The appeal site does not contain any green or open spaces. Consequently, the proposed introduction of a green roof atop of the flats would amount to an urban greening betterment.
34. However, Policy BH4 of the BLP is clear that it requires minor residential developments to deliver an urban greening factor (UGF) of 0.4 on site. The calculation provided cites an UGF of approximately 0.28. Amended plan 202 B denotes an intensive green roof rather than a sedum roof, however, no updated UGF calculation has been provided alongside it. Furthermore, the UGF calculation which is before me already identified the provision of an intensive green roof.
35. Consequently, it is unclear to me what urban greening improvement would be brought about by the amended plan, and it has not been demonstrated that an UGF factor of 0.4 would be achieved.
36. Given the specificity of Policy BH4's urban greening requirements, the proposal before me conflicts with it. However, the weight I attribute to this policy conflict is lowered because the proposal would result in a modest urban greening betterment.
37. My view that the proposal conflicts with Policy BH4 is in some contrast with views expressed by the Inspector in the decision at the rear of Nos. 13-17 Bridge Road³. However, all of the evidence which was before the Inspector in that case is not before me. Therefore, I cannot be certain of the specifics of that case which influenced the decision made. Moreover, I have formed my own view on policy compliance based on the evidence before me now.
38. Therefore, the proposed development would not achieve a satisfactory urban greening factor, and the deficiencies in this regard brings the proposal into conflict with the aforementioned BLP Policy BH4. In turn, I also find that the proposal conflicts with Policy G5 of the LP which sets out that London's Boroughs should apply an appropriate UGF to development proposals within them.

Fire risk

39. Fire safety compliance is a matter covered by Building Regulations. However, Policy D12 of the LP is a development plan policy dedicated to fire safety and seeks to ensure that it is considered at an early juncture in the development process.

³ Appeal Decision Reference APP/T5150/W/23/3321863

40. Even though the proposed development is a minor one, with two storeys of accommodation proposed, it is nevertheless the case that Policy D12's criteria A 1 to 6 applies to the development. It places upon proposals requirements such as ensuring the incorporation of active and passive features to reduce fire risk and the establishment of an appropriate evacuation assembly point. It does not set out that these requirements only apply in instances where developments involve characteristics deemed particularly hazardous or unusual in fire safety terms.
41. No detailed fire safety measures to demonstrate compliance with Policy D12 are before me. I have considered whether it would be appropriate to rely upon the imposition of a condition had I been minded to allow the appeal. However, in the absence of even broad principles of the development's approach to reducing the risk posed by fire, and Policy D12's intent for it to be considered as an integral part of design, I find such deferral on the matter to be inappropriate.
42. Therefore, the proposed development has failed to demonstrate that it would adequately minimise the risks posed from fire, and it conflicts with LP Policy D12's requirement to achieve the highest standards of fire safety as a result.

Biodiversity net gain and geodiversity

43. The appellant asserts that the proposal benefits from the de minimis exemption in respect of the statutory framework for biodiversity net gain, and there is no evidence before me which gives me reasons to disagree.
44. Amongst its criteria, BLP Policy BGI1 sets out that developments should achieve a net gain in biodiversity and avoid any detrimental impact on geodiversity. BLP Policy DMP1 promotes green infrastructure additions or enhancements where possible. Finally, Policy G6 of the LP sets out that development proposals should manage impacts on biodiversity and aim to secure net gains.
45. However, I am mindful of the content of the Planning Practice Guidance (the PPG) which sets out that the statutory framework for biodiversity net gain represents the appropriate national approach towards, and benchmark for, biodiversity gains in planning. The PPG further sets out that attributing weight to local policies which require biodiversity gains for types of development exempt under the statutory framework is inappropriate.
46. For this reason, it would be remiss of me to conclude that the proposal must achieve a biodiversity net gain. Regardless, elsewhere in my decision, I have already set out that green or open spaces are not within the appeal site and that some urban greening would be achieved. It is quite likely, therefore, that implementation of the proposal would result in some biodiversity enhancements anyway. I have no substantive evidence that the proposal would otherwise harm or undermine any aspects of geodiversity.
47. For the above reasons, I firstly find that the proposal is not required to demonstrate a biodiversity net gain. Regardless, it is quite likely that it would and, furthermore, no harmful effects upon geodiversity would result. Consequently, in relation to this main issue, the proposal complies with BLP Policies BGI1 and DMP1, and Policy G6 of the LP.

Other Matters

48. The appellant refers to the Housing Delivery Test (the HDT). However, the most recent available results show that the Council passed the HDT. Nevertheless, the proposal would deliver 2 dwellings within an accessible location and, in so doing, redevelop brownfield land, a matter strongly advocated by the National Planning Policy Framework. At the same time, the proposal would also retain a commercial use as well with the positive effects of this upon the economy and employment.
49. Although these factors are clearly benefits of the proposed development, altogether the benefits of the scheme are not sufficient to outweigh the substantial harm which would result given the conclusions I have reached in 5 of my 6 main issues.
50. No harm to the character or appearance of the area, nor upon the living conditions of neighbouring occupiers would arise as a result of the development. However, neither do I consider that there would be benefits in these regards either, nor have any substantive evidence that the proposal would improve the security of the area. As a result, the absence of harm in relation to these matters is a neutral factor in my decision, and it does not weigh in the proposal's favour.

Conclusion

51. In my final main issue, which relates to biodiversity net gain and geodiversity, I have identified that the proposal would not result in harm and that, in these regards, it complies with certain development plan policies. However, in my remaining 5 main issues I have identified conflict with development plan policies and, overall, I find that the proposal conflicts with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate a decision other than one in accordance with the development plan should be made. Therefore, I conclude that the appeal should be dismissed.

H Jones

INSPECTOR