



Appeal Decision

Site visit made on 6 August 2025

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2025

Appeal Ref: APP/T5150/W/25/3365728

90 Crest Road, Brent, London NW2 7SL

- 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 Ms Gabriella Pavel against the decision of the Council of the London Borough of Brent.
 - The application Ref is 24/3643.
 - The development proposed was originally described as conversion of single-family dwelling house into 3x self-contained flats; with associated cycle parking and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The second reason for refusal concerns the overall effect of the proposal upon the character and appearance of the area and highway safety, taking account of the effects of proposed off-street parking, cycle parking and bin storage. For convenience, I have considered these matters as one main issue. Therefore, and having regard to all the evidence before me and the reasons for refusal, the main issues are:
 - whether the proposal would adversely affect the supply of family sized homes and be in a suitable location for the proposed development; and
 - the effect of the proposal upon the character and appearance of the area and highway safety, with particular regard to proposed arrangements for car and cycle parking, and the storage and collection of refuse and recycling.

Reasons

Family sized homes and location

3. Policy BH11 of the Brent Local Plan 2022 (BLP) sets out that the conversion of a family sized home into two or more dwellings will only be allowed where all of three criteria are met, in order to meet a priority need for family sized homes. As the appeal property has six bedrooms, it meets the definition of a family sized home in the BLP which is three or more bedrooms. While I note the council's reason for refusal refers to 'larger' family sized housing, the policy does not differentiate in such terms, and there is no compelling evidence before me regarding the need for 'larger' family homes. As the proposal would provide a family sized unit of accommodation of three bedrooms, there would be no net loss to the overall supply of family sized housing.

4. Although the existing dwelling is greater than 130m² and the proposal includes a three bedroomed flat with direct access to a garden, it is within an area with a public transport access level (PTAL) rating of 2, which indicates low access to public transport. BLP Policy BH11 states that exceptions to this will only be allowed where the amenity of the existing family sized home is so deficient that family occupation is unlikely and it could not reasonably be changed to overcome such deficiencies. However, the appeal scheme is not advanced on this basis, and in the absence of any substantive evidence to suggest otherwise, I find no reason to consider it would meet this exception. Consequently, the proposal fails to comply with this policy.
5. BLP Policy BH4 sets out that small housing developments delivering a net addition of self-contained dwellings through the more intensive and efficient use of sites, where consistent with other policies of the development plan, will be supported within the priority locations of PTAL 3-6 through (among other things) residential conversions. The policy also states that outside priority locations, greater weight will be placed on the existing character of the area, access to public transport and a variety of social infrastructure easily accessible on foot. Consequently, and despite conflict with BLP Policy BH11, it is a matter of planning judgement whether the proposal would accord with BLP Policy BH4, not only in terms of the access by public transport and the accessibility of social infrastructure, but also with regard to the character of the area and other development plan policies, which I return to later in my reasoning.
6. The appellant draws my attention to other planning decisions in the wider area including decisions which are said to be similar developments under comparable or less favourable conditions. The officer reports for these schemes and appeal decision Ref: APP/T5150/W/23/3329083 have been submitted to the appeal, but there are no approved plans before me, which limits my consideration of these examples. Inevitably, each site will have its own unique context, and other development plan policies were also a factor in most of the examples. I note that none of the examples are for a scheme to provide 3 flats. Rather, they are largely for two flats, with one for four flats and another for a conversion of an outbuilding. In this regard, the examples are not directly comparable to the proposal before me.
7. Furthermore, the example at 9 Crest Road is stated to be within a PTAL 2 area – not only by the appellant, but also within the Council's officer report (OR) which considered the appealed application before me. However, the officer report provided for 9 Crest Road clearly states the site is within a PTAL 3 area in more than one paragraph of that report. The example at 9 Crest Road is much closer to Brent West Station than the appeal site. Therefore, I am not satisfied that this is a comparable example. Nevertheless, the examples demonstrate the various factors taken into account, including PTAL ratings, the accessibility of public transport and social infrastructure, and other development plan policies.
8. The appeal site is given to be within 50m of a PTAL 3 area, but the OR indicates that this is a very small parcel of land and appears as an anomaly in the surrounding PTAL 2 area. However, this does not alter the fact that the site is within about 50m of a bus stop for services towards the west and within about 115m of a bus stop with services towards the east, with about four services in operation towards Brent Park, Sudbury, Wembley, Brent Cross and Cricklewood. The site is also at some distance from Brent Cross West Station, by my calculation

at least 30 minutes which weighs against the proposal to some degree. Nonetheless, the site has access to public transport in proximity.

9. The site is very close to a GP, and reasonably close to a supermarket, schools, Gladstone Park and Neasden Recreation Ground. While Brent Cross Shopping Centre would offer a wide range of goods and services, this would be about 37 minutes walking distance according to the appellant, which weighs against the proposal to some degree. Overall, the site is accessible to public transport by bus and has reasonable access to social infrastructure. I am therefore satisfied that the location of the proposed development would be a suitable one.
10. I therefore conclude that the proposal would not adversely affect the supply of family sized homes and would be in a suitable location for the proposed development. Although the policy conflicts with Policy BH11, it accords with Policy BH4 in terms of access to public transport and a variety of social infrastructure easily accessible on foot.

Character and appearance of the area; and highway safety

11. For small site proposals (including residential conversions), BLP Policy BH4 places greater weight upon the existing character of the area outside of priority locations (i.e. in areas with a PTAL rating of less than 3); and all minor residential development is required to deliver an Urban Greening Factor (UGF) of 0.4.
12. The appeal site is within a residential area, characterised predominantly by two storey dwellings, and the area has a suburban feel. Frontages generally include those with off-street parking with soft landscaped borders, or front gardens. Due to the topography of the area, driveways along the same side of the road as the appeal site have an upward sloping access with some including a retaining wall to facilitate a level access for off street parking. There are few restrictions along the street, such that kerbside parking is permitted.
13. During my visit, I saw that the appeal property has been extended, such that there is no side access to the plot, and this arrangement is shown on the proposed plans. At my visit the frontage and rear of the property were in a state of construction. There are no section drawings before me which indicate the proposed gradient of the land within the frontage or rear amenity space. The proposal includes a cycle parking stand, an area for refuse/recycling bins, one car parking space and some landscaping to provide 35% coverage in the frontage, with further cycle parking in the rear amenity space. Such a percentage would be well sort of the 50% coverage sought in BLP Policy BT2 at sub-paragraph e.
14. The main parties draw my attention to a previous application Ref 23/0084 at the property given to approve a vehicular crossover and one-off street parking space with soft landscaping comprising 40% of the frontage. The appellant contends this crossover is being constructed and the proposal before me follows the same approved dimensions. Although the full details of that permission are not before me, there is no dispute that the proposal as submitted would result in less soft landscaping coverage than that previously approved. Other examples provided by the appellant (as referred to in my first main issue) demonstrate allowed schemes with less than 50% coverage, when weighed in the balance. Consequently, other elements of the proposal, including those within the frontage are relevant to my consideration of the appeal.

15. In accordance with BLP Appendix 4, the relevant parking standards for the proposal are set out in Policy T6 of the London Plan 2021 (LP), and these are expressed as a maximum. For 3-bed dwellings in a PTAL 2 area, the maximum is up to 1 space, and for 1-2 bed dwellings, the maximum is 0.75 spaces per dwelling. The development would therefore be subject to a combined maximum of 2.5 spaces. The main parties agree that the proposed single parking space would be within the 'maximum' standards. While the starting point in BLP Policy BT2 and LP Policy T6 is car-free development, these policies make clear that this is in relation to proposals that are well-connected by public transport. A PTAL rating of 2 indicates low access to public transport. In such circumstances, BLP Policy BT2 seeks the minimum necessary parking. Furthermore, this policy requires the effect of a proposal upon off-street parking to be considered.
16. The Council accepts that based on its analysis of 2021 Census Data, the proposed provision of one off-street parking space should be sufficient to meet parking demand, with little to no overspill parking expected on-street. In the Council's view, any overspill demand would not be welcomed on-street since the road accommodates four bus routes and there is a footway build out near the frontage, such that a wider crossover could not be accommodated. However, there is no substantive evidence before me of any parking stress, nor any high parking demand. I therefore see no reason why additional parking demand could not be safely accommodated along the highway in the wider area. In such circumstances, I find no conflict with BLP Policy BT2, insofar as it concerns effects upon parking demand and highway safety.
17. In accordance with LP Policy T5, a minimum of 5.5 cycle parking spaces would be required, based on 1.5 spaces to serve the one bedroomed flat, and two spaces for the other two flats. Overall, 8 cycle parking spaces are proposed. However, the proposed cycle stand in the frontage is sited adjacent to the side boundary of the plot and is annotated to show one bicycle space allocated to the smallest flat within the roof space (flat 3). This would appear to suggest that the cycle provision for this flat would be short of the 1.5 spaces required, and it is not clear how this cycle parking would be secure. Future occupiers of flat 3 would have no means of access to any further cycle parking within the rear amenity space. If two cycles were parked in the frontage at the proposed stand, this would likely obstruct access along the pathway in the frontage.
18. Cycle parking for the two other flats would be provided in the rear garden in the form of two vertical parking stands to accommodate seven cycles. The appellant suggests that access routes to the rear garden are available through side access or via shared internal circulation areas. However, the fact of the matter is that no side access is indicated on the proposed plans, with no other means of access indicated to the rear amenity space. Consequently, future occupiers of the ground floor flat would need to transport their cycles through the shared entrance, and through their accommodation to reach the proposed cycle parking. Future occupiers of the first-floor flat would have a much more circuitous route to reach their allocated cycle spaces. This would be via the main shared entrance to the building, up a stairwell, through the accommodation, down a further staircase, through an external door and towards the rear of the amenity space. This would clearly not be a convenient arrangement.
19. Such arrangements would not encourage the uptake of more sustainable forms of transport, in conflict with the objectives of the National Planning Policy Framework,

including paragraph 115 which seeks to ensure (among other things) that sustainable transport modes are prioritised taking account of the vision for the site, the type of development and its location. The provision of cycle parking to a greater quantity than the minimum required under LP Policy T5 does not overcome this matter, and I note that neither party provides substantive evidence of compliance with the London Cycling Design Standards (LCDS) which are explicitly referenced in LP Policy T5.

20. For the above reasons, I find conflict with LP Policy T5 which seeks to ensure that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle, achieved through (among other things) cycle parking which should be fit for purpose, secure, well-located; designed and laid out in accordance with the LCDS.
21. Two bins of 240 litre capacity and three kerbside (food) containers are indicated on the proposed plans to serve the refuse/recycling needs of all three flats. The appellant does not dispute that this would fail to comply with the requirements of the Council's Waste and Recycling Guidance, and further bin capacity would need to be located within the frontage. Two 360 litre bins would therefore be required with three kerbside (food) caddies, and this would not be a 'minor' shortfall in bin storage provision as the appellant suggests. It is not clear that the required capacity could be accommodated within the designated area on the submitted plans and/or be conveniently collected or presented for kerbside collection.
22. For the above reasons, the proposal fails to demonstrate acceptable arrangements for the storage and collection of waste and recycling, in conflict with LP Policy D6 which seeks to ensure that housing is designed with adequate and easily accessible storage space for recycling, food waste and residual waste.
23. The appellant suggests that the above matters are capable of being resolved by condition. In isolation, I might agree. However, given the totality of these matters, this would likely result in a substantively altered layout to the frontage including by increasing areas of hardstanding such that the appearance of the development would significantly change. Consequently, I cannot be certain whether the proposed 35% soft landscaping coverage in the frontage would be achieved. In my view, it could likely be much less, such that I cannot be certain that the visual amenity of the area would not be harmed to an unacceptable degree. Such changes could also alter the UGF and/or any (non-mandatory) biodiversity net gain.
24. Moreover, the supporting text of BLP Policy BH4 makes clear that a high-quality development is expected. Further, that over time, the intensification of building and hard landscaping, principally to accommodate cars has reduced incidental green infrastructure, affecting the visual quality of the environment and other factors, including (among other things) biodiversity, and the volume and speed of surface water runoff; and that small site development without some form of safeguards could well intensify these matters. Consequently, a lack of clarity about the final layout and appearance of the proposal weighs heavily against the proposal in this regard. For these reasons, I am not content to leave such matters to conditions in this instance.
25. For the reasons above, I conclude that the proposal fails to demonstrate that it would not unacceptably harm the character and appearance of the area, in conflict

with BLP Policies BH4 and BT2 sub-paragraph e. Furthermore, the proposal fails to demonstrate acceptable arrangements for cycle parking, in conflict with LP Policy T5; and for the storage and collection of refuse and recycling, in conflict with LP Policy D6. Although these policies are not identified in the reasons for refusal, they were referenced within the OR which considered the application. I also conclude that the proposal would not result in an unacceptable effect upon highway safety, and it accords with BLP Policy BT2 insofar as it relates to on-street parking demand and highway safety.

Other Matters

26. The proposal would include a family sized unit of accommodation to meet priority housing need and provide two additional units of housing supply, in support of the Government's objectives to boost the supply of land for homes, meet wider housing needs and use land efficiently. Temporary economic benefits would arise during the conversion works with permanent benefits thereafter through additional household expenditure. Collectively, I attach moderate weight to these benefits.
27. The proposal is given to exceed certain internal space standards. However, of itself, this does not render the proposal acceptable, nor would it overcome the harm that I have found. By retaining trees, providing permeable paving, drainage and landscaping, the proposal could assist in tackling climate change, but given the uncertainty on such matters, they attract limited weight.
28. The handling of the planning application by the Council is not a matter that affects my findings on the main issues and/or the planning merits of the scheme.

Planning Balance and Conclusion

29. Although the proposal conflicts with BLP Policy BH11, it accords with BLP Policy BH4, such that I have found in the proposal's favour on the first main issue. However, the proposal fails to demonstrate that there would not be unacceptable harm to the character and appearance of the area in conflict with BLP Policies BH4 and BT2 sub-paragraph e; and fails to demonstrate suitable arrangements for cycle parking and the storage and collection of waste and recycling in conflict with LP Policies T5 and D6. I attach significant weight to these policy conflicts. The benefits of the development, either individually or cumulatively would not outweigh the harms that I have found.
30. For the reasons above, I conclude that the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

J Moore

INSPECTOR