



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: 3rd September 2025

Appeal Ref: APP/T5150/W/25/3365907

27 Cranhurst Road, Brent, London NW2 4LJ

- 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 B Bikashdas of the Gaudiya Mission against the decision of the Council of the London Borough of Brent.
- The application Ref is 25/0240.
- The development proposed was originally described as: Loft conversion with rear dormer and front roof windows, single storey side and rear extension, basement conversion, rear outbuilding for storage and internal alterations.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal form indicates that the description of development has not changed from that stated on the application form. However, a different description has been entered, which is that used on the decision notice: *'Partial demolition of existing kitchen and temple room and proposed basement extension with rear lightwell and railing, single-storey side-to-rear extension, rear dormer extension, alteration to side fenestration, single-storey outbuilding in rear garden and installation of 2x front rooflights, refuse storage to front and cycle storage to rear to mixed use place of worship and dwelling.'* However, there is no evidence that a change has been agreed. I have therefore used the description as stated on the application form in my banner heading above.
3. The appellant has submitted an amended proposed floor plan drawing¹ to the appeal, which details a revised layout to the proposed second floor. The amendment would result in only one bedroom as opposed to the two bedrooms originally proposed to the second floor and is annotated with a floor to ceiling height. Having regard to relevant case law², the amendment would not result in a substantial or fundamental change to result in a different application. I consider that no party would be unfairly prejudiced by my acceptance of the amendment. I have therefore determined the appeal in accordance with the amended drawing.
4. Certain policies of the Brent Local Plan 2022 (BLP) submitted to the appeal were incomplete. I have therefore relied on the text of those policies as they appear within the on-line version of the BLP on the Council's website. As the BLP is a publicly available document, I consider that no party would be prejudiced by my doing so.

¹ Drawing Ref: Page 4 of 9, Rev3

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]; Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin).

Background and Main Issues

5. The appeal property is a two-storey semi-detached residential property to include a Mandir which is a Hindu temple of worship. The appeal before me seeks to overcome the reasons for refusal of a previous application Ref: 23/2411, which was dismissed on appeal Ref: APP/T5150/W/24/3341266. Having regard to all the evidence before me, the main issues are:
- whether the proposal would provide suitable living conditions for occupiers of the property, with particular regard to internal space and levels of daylight and sunlight; and
 - whether the proposal would provide a satisfactory urban greening factor and suitable drainage arrangements.

Reasons

Living conditions

6. Policy D6 of the London Plan 2021 (LP) requires a minimum floor to ceiling height of 2.5m for at least 75% of the gross internal area (GIA) of a dwelling, in order to ensure (among other things) that housing is of adequate quality, especially in terms of daylight penetration, ventilation, cooling and a sense of space. The supporting text makes clear that up to 25% of the GIA can be lower than 2.5m to allow for essential equipment in the ceilings of kitchens and bathrooms.
7. As submitted, the application included two bedrooms to the proposed second floor, with an internal floor to ceiling height of 2m, which would be well short of the standard required by LP Policy D6. The amended scheme at appeal proposes one bedroom of 12.2m² to the loft space, annotated to be 2.5m height. However, the proposed cross section drawing shows the height to be 2.473m and the proposed cross section drawing does not indicate room layout. It is therefore not clear what the floor to ceiling height would be for the whole of the proposed bedroom, and there is an inconsistency between the proposed plans. Therefore, I am not satisfied that the proposal demonstrates that the requirement would be met. Even if bedrooms are not always occupied, it is important that they meet the minimum standard, to ensure that adequate living conditions are provided for everyone whilst in occupation, as found by the Inspector in the previously dismissed appeal.
8. The proposed basement would occupy the footprint of the existing building and would therefore be of a considerable scale. The basement would be accessed via an internal staircase and would accommodate a large dining area with an 'L' shaped kitchen arrangement, and a toilet room. The proposed floor plans indicate that the only natural light source would be via two proposed windows to a rear lightwell, which would have a balustrade at ground level with a design that would permit some light penetration. There are no elevation plans before me depicting the proposed fenestration to the basement floor, although the Design and Access Statement suggests these will be 'full height'.
9. Due to the depth, width and sheer scale of the basement extension, the proposed windows would not provide adequate levels of daylight and sunlight into the basement area. It would be a dark and gloomy space, and the only outlook would be of the proposed rear lightwell, and it is not clear how the basement extension would be adequately ventilated. Consequently, the proposal fails to demonstrate that it would comply with the guidance within the Council's Basement

Supplementary Planning Document 2017 which among other things, seeks to ensure that suitable amenity is provided in basement development, including natural light and ventilation.

10. The appellant advises that the proposed dining area is for the use of visitors to the Mandir during select times. However, the proposed floor plans indicate that the other floors of the property would be largely occupied by a community room, bedrooms and bathrooms, such that there would be no other kitchen area serving any resident occupiers or visitors staying for short periods of time. Therefore, the proposed basement floor would be the only means for resident occupiers and/or staying visitors to prepare and/or eat meals. Consequently, as the proposal would accommodate residential occupiers and staying visitors, it is not directly comparable to a restaurant, museum or place of worship with a basement dining area or crypt café.
11. For the reasons above, I conclude that the proposal would not provide appropriate living conditions for the occupiers of the property, with particular regard to internal space and levels of daylight and sunlight. It conflicts with BLP Policies DMP1 and BD1 and LP Policy D6. Taken together, these policies require development to provide suitable levels of internal and external amenity, in accordance with defined standards.

Urban greening factor & suitable drainage arrangements

12. LP Policy G5 sets out that boroughs should develop an urban greening factor (UGF) to identify the appropriate amount of urban greening required in new developments. In the absence of local targets, LP Policy G5 recommends a target UGF of 0.4 for predominantly residential developments, and 0.3 for commercial developments. The UGF target of 0.4 sought by the Council is not disputed by the appellant. The supporting text to LP Policy G5 sets out that urban greening can help meet other policy requirements and provide a range of benefits including amenity space, enhanced biodiversity, addressing the urban heat island effect, sustainable drainage and amenity. BLP Policy BG11 requires all development to achieve a net gain in biodiversity and in meeting the UGF, place emphasis on solutions that support biodiversity.
13. The proposal as a whole (which includes an outbuilding) would result in the loss of a substantial part of the rear garden and increased hard surfacing. According to the Council, the existing rear garden is part of a green corridor, and this is not disputed by the appellant. The loss of a large part of it could result in a loss of nature conservation value. There are no landscaping details before me, and there is no compelling evidence to demonstrate if and how the proposal would deliver the required UGF.
14. The appellant draws my attention to the Council's acceptance of the Biodiversity Net Gain Assessment submitted with the application. In summary, the proposal would result in the loss of an area of vegetation greater than 25m² and is therefore subject to mandatory biodiversity net gain (BNG) of at least 10%. The assessment demonstrates that the proposal would result in a net loss of 0.03 habitat units, equivalent to a loss of about 61.84%, and concludes that there is a need for offsite biodiversity gain equivalent to 0.5 habitat units, to comply with trading requirements in relation to the loss of vegetated garden habitat. However, while the Council's OR considers that there is potential for BNG to be delivered onsite to

some degree, the reasons for refusal do not suggest that mandatory BNG requirements cannot be met, but rather that the UGF of 0.4 is not demonstrated.

15. The appellant indicates a willingness to incorporate recommendations of the Council's Ecology Officer, and to accept a pre-commencement condition to first secure onsite BNG, and then offsite if not feasible. It is not clear whether the appellant is suggesting that if some or all mandatory BNG were delivered on site, then the UGF could be met.
16. In any event, the legal framework for mandatory BNG is such that it can be delivered through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. The means of delivery is determined through the subsequent consideration of the BNG plan, which is required by the statutory BNG pre-commencement condition. Consequently, it would not be appropriate for me to impose a pre-commencement condition in the terms suggested by the appellant. Even if mandatory BNG were met in whole or part on the appeal site, this would not alter the fact that there is no compelling evidence to demonstrate that the proposal would achieve a sufficient UGF of 0.4.
17. Furthermore, the Council's OR and comments of the local highway authority indicate that cycle parking provision should comprise a secure locker for residents in the rear garden, and that cycle stands should be in the front amenity space for visitors, due to the narrow passageway; and that these matters could be secured by condition. However, such matters could also alter the overall hard surfacing of the site and undermine the delivery of the UGF and/or alter the BNG assessment. In such circumstances, I cannot be certain that the required UGF would be delivered, and therefore I would not be content to leave this matter to a condition.
18. The proposal would result in an increase of built form and hard surfacing within the appeal site. These factors, together with the proposed basement extension would result in increased surface water runoff from the site, and there are no detailed drainage arrangements before me. The appellant draws my attention to the previously dismissed appeal in this regard, where the Inspector found that this matter could be secured by a condition and there would be no conflict with BLP Policy BSUI4 which concerns On-Site Water Management and Surface Water Attenuation. Although the reason for refusal in the appeal before me refers to sustainable drainage, BLP Policy BSUI4 is not cited in the reasons for refusal. However, the supporting text to LP Policy G5 sets out that urban greening can provide a range of benefits including sustainable drainage.
19. The proposal before me is not identical to that previously considered in the dismissed appeal. However, it is not significantly different such that I would disagree with the findings of the previous Inspector on this matter. For these reasons, I am satisfied that sustainable drainage could be controlled by a suitable condition.
20. For the reasons above, I conclude that the proposal fails to demonstrate that it would provide a satisfactory urban greening factor, in conflict with BLP Policies BD1 and BGI1, and LP Policies G5 and G6, insofar as these policies seek to ensure high-quality design which contributes to urban greening and enhances the nature conservation value of a green corridor.

21. I further conclude that subject to a suitable condition, the proposal would provide suitable drainage arrangements, in accordance with the LP Policy G5 and BLP Policy BSUI4 in so far as they concern such matters.
22. The reason for refusal for this main issue also refers to BLP Policy BGI2, which concerns Trees and Woodlands. However, the Council's OR indicates that the proposal would not result in an impact on the long-term health of trees, subject to suitable conditions, taking account of submitted arboricultural information. I find no reason to consider otherwise, and therefore I find no conflict with this policy.

Other Matters

23. The appellant advises that the purpose of the proposal is to modernise facilities to serve the existing needs of the Mission and that this cannot be readily done within the existing building floor area. Further, that an alternative is to relocate the Mission to another area, which would upend its historic roots, increase travel and involve significant moving costs. However, this position is not robustly demonstrated, nor has it been shown that the proposal is the only way of achieving the objective sought or the least harmful option.
24. The Mandir is a community facility providing a place for worship, study and other spiritual activities. The appellant advises that the proposal does not seek to increase visitor numbers or extend its opening hours. On this basis, the proposal would maintain the level of benefit to the wider community as at present. While facilities would be modernised, this effect would be limited to the existing occupiers of and visitors to the property. The community benefit of the proposal would therefore be limited.
25. I have had regard to objections received from interested parties, which raise a wide range of concerns including (but not limited to) the following: the effect upon the character and appearance of the area, the scale of the proposal, effects upon neighbouring trees, effects of construction activity and the basement excavation on neighbouring properties and neighbouring amenity; and the potential for increased visitors and levels of noise and disturbance. However, I note that these matters were considered where relevant by the Council when it determined the planning application. Whilst I can understand the concerns of the interested parties, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters. Such matters could be controlled by suitable conditions.
26. The appeal site is located within a controlled parking zone (CPZ) and additional concerns are raised about the effect of the proposal upon parking demand. These matters were also considered where relevant within the Council's OR, and the Council has submitted further comments from the local highway authority to the appeal, which consider parking requirements, the CPZ, and the effects of the proposal upon parking demand. In summary, no objection is made on highways grounds, subject to conditions for cycle parking, a construction management plan, and restricting visitor numbers. I find no reason to consider otherwise. There is no compelling evidence to demonstrate that emergency vehicles would be impeded by the proposal.
27. Interested parties suggest that it is intended to operate a café on a commercial basis within the property, and that bedrooms could be rented out. However, such intentions are not detailed in the application, and I am duty bound to consider the

proposal as made. Further concerns are raised that the proposal would set a precedent if permitted. It is also suggested that the appellant has purchased an adjacent property which could provide a means to fulfil the objective of the proposal or could be the subject of a similar proposal or similar facility. However, any future proposal would need to be considered on its own merits. Therefore, the appeal scheme would not set a precedent. Interested parties advise that the use of the property and/or land is restricted by title to residential use only and other restrictions apply. However, such rights and restrictions on the use of land or buildings are private matters and have no bearing on the planning merits of the proposal.

Conclusion

28. I have found that the proposal would conflict with policies of the development plan which seek to ensure suitable living conditions for occupiers, and sufficient urban greening. The policies with which the proposal conflicts are in strong conformity with the National Planning Policy Framework, and I attach significant weight to each of these conflicts. The limited benefits of the proposal would not outweigh the harm that I have found.
29. As the property includes a Mandir, I recognise the rights of the appellant, occupiers of the property and individuals who attend the Mandir under Articles 8, 9 and 14 of the European Convention on Human Rights as incorporated into the Human Rights Act 1998. I have also had due regard to the Public Sector Equality Duty contained in the Equality Act 2010. The purpose of the proposal would be a positive consideration, in terms of eliminating discrimination against persons with the protected characteristics of religion or belief, advancing equality of opportunity for those persons, and fostering good relations between them and others. However, it has not been robustly demonstrated that the proposal is the only or least harmful option to achieve the objective of the proposal.
30. If I dismissed the appeal, this would interfere with relevant Convention rights by preventing the enhancement of an existing religious facility. However, this would be in accordance with the law and in pursuance of the protection of the living conditions of the occupiers and visitors to the property, and in the wider public interest of ensuring a sufficient urban greening factor. There is no substantive evidence before me that dismissal of the appeal would harm the ability of individuals to continue to attend the Mandir or practice their religion or belief at the property. Given the identified harm and conflict with the development plan, I conclude that dismissal of the appeal is a proportionate and necessary act in this case.
31. 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