



Appeal Decision

Site visit made on 23 September 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 November 2025

Appeal Ref: APP/T5150/W/25/3370010

Flat 5, 224 High Road, Brent, London NW10 2NX

- 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 Hamed against the decision of the Council of the London Borough of Brent.
- The application Ref is 24/3197.
- The development proposed is amalgamation of the 2 existing flats on the top floor plus mansard extension.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide suitable living conditions for future occupants in regard to internal floor space, ceiling height and external amenity space; and
 - whether the net loss of a residential dwelling is justified in this instance.

Reasons

Living conditions

3. The appeal site is located within a mixed use area, within a mid-terrace three storey property. The proposal is for the amalgamation of two flats on the second floor and the erection of a mansard roof to allow for the creation of a two bedroom dwelling over two floors.
4. The main parties disagree over the gross internal floor area of the proposed flat. The appellant calculates the area to be 57 square metres, while the Council consider the area to be 55.4 square metres.
5. In order to ensure that housing development provides future occupants with a comfortable and functional living environment, Policy D6 of the London Plan 2021 (LonP) sets minimum space standards for dwellings. In this instance the proposal is for a 2 bedroom, 3 person, 2 storey dwelling and Table 3.1 of the London Plan 2021 (LonP) sets the minimum gross internal floor area for a dwelling of this type to be 70 square metres.
6. It is acknowledged there is disagreement on the gross internal floor area of the proposed dwelling. However, in any case the internal floor area of the resultant dwelling would fall significantly short of the London Plan space standards.

7. Also, the resultant dwelling would have an internal ceiling height of 2.45m on the second floor and 2.3m on the third floor. Therefore, it would fall below the minimum ceiling height requirement of 2.5m for at least 75% of the GIA as required within Policy D6 of the LonP. The height requirement set by the LonP takes into account the heat island effect and the fact that the majority of housing developments in London are made up of flats. The supporting text for this policy goes on to describe how ceiling heights can affect the quality of living accommodation for future occupants in terms of 'daylight penetration, ventilation and cooling and sense of space'. Even a relatively small shortfall in terms of the minimum ceiling height would have a harmful impact on the living condition of future occupants in these respects.
8. Policy BH13 of the BLP requires new housing developments to have a sufficient area of private external amenity space to meet the needs of future occupants. For a dwelling of the size proposed, Policy BH13 normally requires an area of 20 square metres to be provided.
9. Policy D6 of the LonP states 'where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sq.m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq.m should be provided for each additional occupant'. As the requirement set by the BLP sets a higher local standard, the required area of private external amenity space in this instance is 20 square metres.
10. The proposed dwelling would have no private external amenity space and no alternative communal provision is proposed. Therefore, the appeal scheme would fail to provide external amenity space as required by Policy BH13 of the BLP.
11. For the reasons detailed above the proposed development would fail to provide suitable living conditions for future occupants in regard to internal floor space, ceiling height and external amenity space. Therefore, the development conflicts with Policies DMP1 and BH13 of the BLP and Policy D6 of the LonP which require that development provides high levels of internal and external amenity and sets minimum space standards for housing developments.

Loss of residential unit

12. The proposed scheme would result in the loss of one residential unit to allow for the creation of a single larger dwelling. Policy BH10 of the Brent Local Plan 2019-2041 (BLP) seeks to retain the existing housing stock in the Borough and allows for the net loss of residential dwellings only in exceptional circumstances. Based on the evidence before me only criteria (a) of this policy would apply in this instance; this allows for the net loss of residential dwellings when sub-standard dwellings would be brought in line with London Plan space standards.
13. The main parties do not dispute that the existing flats fail to meet current space standards. However as detailed above the proposed dwelling would also fail to meet required space standards.
14. Therefore, the net loss of a residential dwelling is not justified in this instance as the proposal conflicts with Policy BH10 of the BLP which allows for the net loss of existing housing stock only in specific exceptional circumstances.

Other Matters

15. The Council raised no concerns in regard to the effect of the development on the character and appearance of the area. Based on the evidence before me I have no reason to disagree with the Council in this regard.

Conclusion

16. For the reasons given above the appeal should be dismissed.

C Livingstone

INSPECTOR

