



Appeal Decision

Site visit made on 28 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/T5150/W/25/3370992

201C High Street, Brent, London NW10 4TE

- 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 Michael Toumazou against the decision of the Council of the London Borough of Brent.
- The application Ref is 25/1461.
- The development proposed is conversion of the existing 2 bedroom first floor flat into 2 self-contained studio flats. Erection of two rear dormer windows and two front dormer windows and conversion of second floor into one self-contained studio flat.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide suitable living conditions for future occupants with regard to internal and external space.

Reasons

3. The appeal site is located within a mixed use area, within a mid-terrace, two storey building that is divided into two flats. The proposal is for the subdivision of the first floor flat, and the formation of two dormer windows, to allow for the creation of two one-bedroom, two person flats and a studio flat.
4. The Council state that the flat on the first floor would have a floor area of 35.83sqm and the studio would have a floor area of 31sqm. These areas differ slightly from the proposed plans in regard to the one bedroom flat, which indicates that it would have a floor area of 36sqm.
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. Table 3.1 of the LonP sets the minimum gross internal floor area for a one bedroom, two-person flat to be 50sqm and the minimum area for a studio flat to be 37sqm.
6. It is acknowledged there is a minor disagreement on the gross internal floor area of the one bedroom flat. However, in any case the floor area of two of the resultant dwellings would fall significantly short of the London Plan space standards.
7. Policy BH13 of the Brent Local Plan 2019-2041, adopted 2022, (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 for all housing apart from family homes.

8. Policy D6 of the LonP states 'where there are no higher local standards in the borough Development Plan Documents, a minimum of 5 sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sqm 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 for each dwelling.
9. The proposed dwellings 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.
10. It takes approximately 15 minutes to walk from the appeal site to King Edward VII Park, while future occupants may gain some amenity benefit from this green space its distance from the appeal site is such that it does not provide a reasonable alternative to a private external amenity space. It is acknowledged that the appeal site is in an urban area where building density is higher. However, the standards set within policy BH13 of the BLP, do not differentiate between urban and suburban areas.
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 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.

Other Matters

12. My attention has been drawn to a previous planning permission at the appeal site for the formation of two front dormer windows (reference 17/2200. There is no substantive evidence before me to demonstrate that this development also included internal layout changes to allow for the subdivision of the dwelling. As such I cannot be certain that the circumstances in that instance are the same as the appeal before me.
13. The appellant asserts that there have been no objections to the proposal, the appeal site is not within a conservation area, and the proposal does not affect the setting of a listed building. While this may be the case, an absence of harm in regard to these matters is a neutral factor weighing neither for nor against the development.

Conclusion

14. The proposal would provide two additional housing units, in a suitable location where there is an identified need. This would maximise the use of the site and make a modest contribution to the housing supply in the area. In so doing, the proposal would support the aims of The National Planning Policy Framework, which amongst other things, encourages the development of small sites in order to meet housing needs. There would also be associated economic benefits during construction.

15. However, I have found the proposal would fail to provide acceptable living conditions for future occupants. The adverse effects in this respect are considerable and outweigh the benefits detailed above.
16. The development would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone

INSPECTOR