
Appeal Decision

Site visit made on 19 January 2026

by **D Marley BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/T5150/W/25/3375472

147 & 147A Chevening Road, London NW6 6DZ

- 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 Taha Ouertani against the decision of the Council of the London Borough of Brent.
 - The application Ref is 25/2167.
 - The development proposed is conversion of ground floor nursery (Use Class E) and first floor residential flat to single dwellinghouse, including addition of cycle storage, hard and soft landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development used in the banner heading above from the appeal form and decision notice, as it more accurately describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.
3. I have taken the site address used in my decision from the appeal form, as this more accurately describes the site.
4. The appellant submitted revised information with the appeal which sought to respond to the highways and character and appearance reasons for refusal, proposing to reduce the quantum of parking provision, alter the proposed materials to be used in the driveway, and introduce additional landscape and boundary planting. The Council and Interested Parties have had the opportunity to comment on the revised proposals, and would not therefore be prejudiced were I to take the revised information into account. However, the amendments would materially alter the appearance of the site frontage, introduce a significantly different landscaping proposal, and also vary the proposed parking arrangements. Taken together, I consider the changes entail a fundamental change to the scheme determined by the Council. I have therefore determined the appeal against the plans considered by the Council when it made its decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on community facilities, with particular regard to whether the proposal would be acceptable with respect to the loss of a nursery;

- the effect of the proposed development on the character and appearance of the area, with particular regard to the Queen's Park Conservation Area; and
- whether the proposed development would provide appropriate parking, having regard to relevant policies of the development plan.

Reasons

Effect on community facilities

6. The appeal site comprises the existing ground floor nursery which has recently ceased operating, with residential accommodation above. The proposed development would convert the existing nursery and residential accommodation into a single dwellinghouse.
7. Policy BSI1 of the Brent Local Plan 2019-41 (2022) (the 'BLP') permits the loss of a community facility such as a nursery where it is demonstrated that the existing facility is not required in its current use, there is no demand for other suitable community uses on the site, and the loss of the nursery would not result in a shortfall of provision.
8. The appellant has provided the results of an informal marketing exercise carried out amongst other providers within the childcare sector. This did not identify demand from those providers contacted. There is however little substantive detail before me as to how the property was marketed, the period of time for any marketing activity, the rate at which the property was marketed, or the number of providers within the market who were contacted. In the absence of this information, I cannot be certain therefore that there is not market demand from an alternative provider within the childcare sector.
9. I acknowledge that the existing nursery ceased operating due to financial pressure, and was subject to low levels of enrolment. However, this is not convincing evidence that the use of the ground floor by an alternative nursery or early years provider would not be financially viable, nor has substantive evidence been presented to demonstrate that the site layout would preclude a viable nursery or early years use.
10. Whilst I acknowledge that the location of the nursery in a residential area may preclude certain community uses due to potential noise impacts, this would not preclude an alternative community use with a similar noise impact to the existing nursery. Equally, whilst I acknowledge that the internal layout of the appeal site may also preclude certain uses, in the absence of efforts to assess demand for alternative community uses I cannot be certain whether or not there is a likelihood of an alternative community use being available for the site.
11. For the above reasons, the marketing effort undertaken by the appellant does not provide sufficient evidence to demonstrate that the existing facility is not required in its current use, that there is no demand for other suitable community uses, or that suitable consideration has been given to other forms of social infrastructure.
12. I have been provided with high level figures from the Brent Childcare Sufficiency Assessment (2024) with regard to Borough wide availability of childcare. I recognise that there are a number of other nearby nurseries and that the 5 children previously enrolled at the nursery at the appeal site were accepted elsewhere. However, this does not, given the relatively small numbers of children enrolled at

the nursery, demonstrate substantive evidence of spare capacity against current or forecast demand. Equally, the Queen's Park area is identified by the Council as having the lowest reported vacancy levels in the Borough. The removal of the nursery would be likely therefore to worsen the availability of childcare places, and as a result I do not therefore consider the current use underutilised.

13. The proposals do not form part of an agreed programme of social infrastructure. Equally, the appellant's suggestion that alternative existing childcare provision effectively constitutes a replacement facility does not meet the requirements of BLP Policy BSI 1, as no replacement facility is proposed.
14. Given the above, the proposed development would be likely to result in an unacceptable reduction in the availability of community facilities for local residents. This would undermine the role of community facilities in meeting local needs and ensuring the wellbeing of the community, and thus would be harmful as a result.
15. I therefore conclude that the proposed development would have a harmful effect on community facilities, and would result in the unacceptable loss of a nursery. The proposed development would conflict with the relevant provisions of Policy S1 of the London Plan 2021 (the 'LP') and Policy BSI1 of the BLP. Amongst other matters, these policies seek to protect and retain existing community facilities and social infrastructure unless specific circumstances apply.

Character and Appearance

16. The appeal site is within the Queen's Park Conservation Area (the 'Conservation Area'). The statutory duty set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act') requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area. The Conservation Area draws its significance from, amongst other matters, the architectural and design features of Victorian and Edwardian properties, private realm planting, and the largely preserved front gardens. At my site visit, I noted the driveways of nearby properties were typically constructed of paving or loose gravel.
17. The appeal site contains the existing building of traditional design. There is an existing driveway constructed of block paviour and other hard surfacing, which covers the majority of the area to the front of the building. Both host building and planting make a limited but positive contribution to the character of the Conservation Area. There are two small planted areas to the front of the existing building. The appeal proposal would replace the block paviour and hard surface with resin-bound paving, and introduce a grassed area to the front of the site. The proposal does not show the two existing planted areas to the front of the building being retained.
18. Given the proposal considered by the Council does not show the retention of the planted area to the front of the existing building, the proposals would not meet the requirement for 50% of existing landscaped or soft planted features to be retained as set out in the Queen's Park Conservation Area Design Guide and the Residential Extensions & Alterations Supplementary Planning Document (2025).
19. Whilst I accept the proposal considered by the Council would introduce additional planting in the form of a grassed area to the front of the property, given my conclusions with regards the existing planted area this would not be of sufficient

extent to outweigh the loss of existing planting. This would cause harm to the appearance of the Conservation Area.

20. There are limited details before me with regards the materials proposed to be used in the resin-bound paving, and on the evidence before me the use of a resin-bound paving would likely be of modern appearance. Due to this, the appearance of the proposed paving would be likely to contrast both with other nearby driveways as well as the traditional features of the host building. The proposed driveway would therefore appear out of place both within the street scene and when compared to the architectural and design features of the host building. This would be harmful to the character and appearance of the Conservation Area.
21. Given the extent of the development relative to the Conservation Area as a whole, I find the harm to the Conservation Area would be 'less than substantial' as set out in the National Planning Policy Framework (the 'Framework'). Under such circumstances, Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
22. Given my conclusions regarding the loss of a nursery, the amalgamation of the existing nursery and above ground apartment to a single dwelling would not be a public benefit. Although the reduction in the extent of parking compared to the current situation would be beneficial to the appearance of the building and the Conservation Area, and I acknowledge that the proposal may result in a reduction in the level of noise and vehicular movement, would reuse previously developed land, provide improved private outside space and provide a single larger dwelling, this would be insufficient to outweigh the harm I have identified and the great weight I have given to the heritage asset's conservation.
23. I acknowledge that the proposed development would not result in external alterations to the host building, however this does not justify a proposal I have found to be harmful to character and appearance.
24. As a result, the proposed development would cause harm to the character and appearance of the area, with particular regard to the Queen's Park Conservation Area. It would thus fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to the requirements of the Act. The proposed development would conflict with the relevant provisions of Policy BHC1 of the BLP. Amongst other matters, this requires development proposals to sustain and seek to avoid harm to the significance of heritage assets.

Parking provision

25. The appeal site has a Public Transport Access Level (PTAL) of 3. The proposal considered by the Council would convert the building to a 4-bedroom house and include provision for 2 parking spaces.
26. There is no dispute between the parties that the provision of 2 parking spaces would exceed the maximum parking standards set out within the development plan. Given the site's PTAL, the appeal site benefits from moderate accessibility to public transport. However, as a result of the overprovision of parking spaces, future occupants would be more likely to use the private car rather than utilise public transport options, and would likely be more inclined to use a private vehicle rather than undertake journeys by bicycle or on foot. Therefore, although the current use may have additional parking spaces when compared to the proposed

development, the proposal would nevertheless be likely to disincentivise future occupiers from using alternatives to the private car. The overprovision of parking spaces would likely contribute to traffic congestion, climate change, and worsening air quality.

27. Given the above, the proposed development would not provide appropriate parking, having regard to the relevant policies of the development plan. The proposed development would therefore conflict with the relevant provisions of Policy T6 of the LP and Policy BT2 of the BLP. Amongst other matters, these policies identify that car parking should be restricted in line with public transport accessibility, that parking should be provided consistent with parking standards, and parking provision should not have negative impacts on the environment.

Other Matters

28. Whilst the appellant has drawn my attention to another application whereby the Council granted permission for the loss of a nursery, I do not have details before me with regards the extent of marketing that may have been undertaken, or precise details of the acceptability of that proposal with regards character and appearance or highways matters. I cannot therefore draw any direct comparison with the proposal that would weigh in its favour.
29. The appellant identifies that a potential fallback for the nursery could be alternative Class E uses which could introduce greater amenity and highways impacts. However, I have not been provided with any details of such alternative uses and therefore it is not clear that these would have greater impacts when compared to the existing nursery use. I am also mindful that there is no evidence of the existing use generating concerns in relation to amenity and highway safety. Nevertheless, for the reasons set out above, such a fallback is no greater than theoretical and I afford it limited weight.
30. I acknowledge that the site was historically a single dwelling, however on the evidence before me the ground floor of the appeal site has been used as a nursery for a significant period of time. I equally acknowledge that the appeal site is in an existing residential area. These matters do not justify proposals I have found to be harmful.

Planning Balance

31. The proposed development would provide a single larger family dwelling with improved private outside space, would reuse previously developed land, and may offer the potential to avoid operational conflicts and reduce comings and goings to the property by vehicles and pedestrians.
32. However, the proposed development would harm the significance of the Conservation Area, would result in a harmful reduction in community facilities, would result in harm to character and appearance, and would not provide appropriate parking. These matters weigh considerably against the proposal and the benefits of the scheme would not be sufficient to outweigh the harm I have identified.

Conclusion

33. The proposal would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above, the appeal should be dismissed.

D Marley

INSPECTOR