

Appeal Decision

Site visit made on 9 September 2016

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 05 October 2016

Appeal Ref: APP/A5270/W/16/3149118

104 The Broadway, Southall, Middlesex, UB1 1QF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr R C Kumar against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2016/0017, dated 30 December 2015, was refused by notice dated 14 March 2016.
 - The development proposed is new construction 2 residential units single storey.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council did not attend the appeal site visit, as arranged. Further to confirmation with the appellant, I undertook an unaccompanied site visit.
3. I have taken the appellant's name from the application form and note that the appeal form is slightly different, as it refers to the appellant as Mr R Kumari.
4. I have taken the site address from the application form. For reference, the decision notice describes the site address as "land to the r/o 104 to 114 The Broadway and also land to the r/o 1 to 7 Alfred Gardens." I have also taken the description of development from the application form. The decision notice states that the development proposed comprises "a single storey building to provide two residential units (1 x studio apartment and 1 x 2 bedroom apartment).
5. An objection to the proposal refers to various legal matters. These are matters between the appellant and relevant land owners.

Main Issue

6. The main issue in this case is whether the living conditions of future occupiers would be acceptable, having regard to outlook, daylight, privacy and noise and disturbance.

Reasons

7. The appeal property is an L-shaped parcel of land located between Alfred Gardens and The Broadway. The surrounding area is mixed use in character. Alfred Gardens is a residential street comprising two storey terraced housing
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and The Broadway in this location is a busy commercial area, largely comprising two and three storey terraced properties with shops at ground floor level.

8. The appeal site backs on to the short rear gardens of dwellings on Alfred Gardens and Northcote Avenue. It also adjoins the northern side of the rear service alleyway to the rear of The Broadway. The level of the site is higher than that of the gardens of Alfred Gardens it backs on to.
9. During my site visit I observed that a number of single storey garages to the rear of Northcote Avenue have accesses immediately adjacent to the appeal site. There is a large amount of waste and litter on the site and adjacent to it and the site itself appears in an unkempt condition. The land between the site and rear of The Broadway is used for limited access and the storage of large bins for commercial units.
10. The proposed development would comprise a single storey flat roof building, covering the majority of the site. Proposed Flat B would only have windows to one of its four sides. The proposed windows would be relatively small and located such that future occupiers would look out on to the immediate boundary to the rear of a property on Alfred Gardens. Consequently, there would only be a glimpse of sky above a tall fence and through planting and even this would depend upon how close a future occupier was to a window, or the angle at which he/she was looking through it.
11. As the only windows proposed for Flat B, I find that the outlook would be severely constrained, to the extent that future occupiers would feel unduly enclosed. The harmful impact of this would not be mitigated to a significant degree by the provision of rooflights.
12. Further to the above, not all of the rooms proposed in Flat B would have rooflights. It appears that the amount of daylight that would reach all of the habitable rooms proposed would be limited. In the absence of any substantive evidence to the contrary, I consider that the combination of a poor outlook and low levels of daylight would result in unacceptable living conditions for future occupiers of Flat B.
13. Annex 1 of the London Plan's Housing Supplementary Planning Guidance 2012 (SPG) suggests that single-aspect dwelling units that are north facing should be avoided and should have direct sunlight entering at least one habitable room for part of the day. Whilst it is acknowledged that Flat B's windows would not be north facing and that some sunlight would enter a habitable room, I am concerned with the overall and combined impacts that would arise from limited daylight and a poor outlook. Notwithstanding this, I note that the SPG simply contains guidance and that individual proposals should be considered on their own merits as a whole.
14. With regards to Flat A, its windows would be in immediate proximity of, and look directly out on to, the service area behind The Broadway. This arrangement would provide the opportunity for users of the service area to directly overlook Flat A from a directly adjacent location. This would, I find, result in unacceptable living conditions for future occupiers in respect of privacy.

15. Furthermore, the noise and disturbance associated with the service area, which serves a wide range of commercial units has the potential to be significant, particularly in terms of deliveries, the movement of waste, the noise arising from existing extraction units and general movements associated with the staffing and running of a commercial entity. The noise and disturbance within the service area would be keenly felt by future occupiers of Flat A, due to its immediate proximity, and I find that it would result in unacceptable living conditions.
16. Taking all of the above into account, I find that the proposed development would fail to provide acceptable living conditions for future occupiers. This would be contrary to the National Planning Policy Framework, London Plan (2015) policies 3.5, 7.6 and 7.15, Core Strategy¹ policies 1.1 and 1.2, DPD² policies 3.5, 7A and 7B, Supplementary Planning Document 4 Residential Extensions and Supplementary Planning Guidance 10 Noise and Vibration, which together amongst other things, protect residential amenity.

Other Matters

17. I note above that the proposed development would comprise a single storey building with a flat roof. I find that this would comprise an incongruous feature within a mixed use area where residential property more commonly comprises two storey terraced housing.
18. Rather than be in keeping with the housing around it, the development proposed would have the appearance of a large storage building and would appear unduly cramped within the appeal site due to the immediate proximity of boundary features. Consequently, it would detract from local character, contrary to the National Planning Policy Framework and this is a factor that adds weight to my decision below.

Conclusion

19. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR

¹ Ealing's Development (Core) Strategy (2012).

² Ealing Development Management Development Management Plan Document (2013).