
Appeal Decision

Site visit made on 14 February 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 27 February 2017

Appeal Ref: APP/A5270/W/16/3164576

Land at rear of 58 North Road, Southall UB1 2JL

- 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 Miss Prabhjeet Gill against the decision of the Council of the London Borough of Ealing.
 - The application Ref 161304FUL, dated 31 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is the demolition of existing garages and the construction of a new one bedroomed house with garden and car space.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council has referred to Policy 3.5 of the London Plan (2015). From other appeals that I am dealing with elsewhere in London Borough's I am aware that this policy and the accompanying Table 3.3 were superseded in March 2016 by Policy 3.5 of the adopted Housing Standards Minor Alterations to the London Plan (2016) (MALP). I have therefore considered the up to date Policy 3.5 and Table 3.3, as prescribed in the MALP, in the determination of this appeal. As both parties have referred to the Gross Internal Floor Area (GIA) prescribed in Table 3.3 of the MALP, neither party has been prejudiced by the consideration of the up to date version of the policy and accompanying table.

Main Issue

3. The main issue is whether the proposed development would provide adequate living conditions for future occupiers of the dwelling having particular regard to internal living space and outlook.

Reasons

4. The appeal site comprises a block of six garages and associated hardstanding located to the rear of No 58 North Road which is a two storey property converted into four flats. The site is bounded to the west by a church and to the east by the ground floor extension to a restaurant at No 60 North Road, which the appellant indicated is used as a food preparation area. This part of North Road comprises a small shopping parade with flats above which have extended elements to the rear of the properties which are accessed via a
-

- private track passing between the church and No 1a Kingsley Avenue. This track also provides access to the appeal site.
5. The proposed development would involve the demolition of the garage block and the construction of a modest two storey dwelling. The dwelling would be positioned within approximately 1.0m of the site boundary fence with the church and approximately 1.0m from the access track. The principal windows to the living/kitchen room would have an outlook to the south and east. To the south the outlook would be towards a wall forming the boundary of the access track with the rear of No 1a Kingsley Avenue. To the east the outlook would be over part of the proposed modest sized garden and parking area and towards the bland side elevation of the rear extension at No 60 North Road. The outlook from the bedroom window would also be easterly and over the rear extension at No 60.
 6. Given the relationship of the proposed dwelling to existing development and boundary features, I consider that the outlook from the principal windows would be limited and poor. This would provide for a degree of enclosure and result in a poor living environment that would be harmful to the living conditions of the proposed occupants.
 7. There is some dispute between the main parties as to the proposed GIA of the proposed dwelling with the Council suggesting that this is 54.3sqm and the appellant suggesting this to be 57.2sqm. I have no evidence to conclusively define which calculation is correct.
 8. Policy 3.5 of the MALP requires that housing developments should be of the highest quality internally, externally and in relation to their context and to the wider environment. The accompanying Table 3.3 of the policy sets out minimum space standards for dwellings of different sizes based on the minimum GIA required for new homes relative to the number of occupants. For a one bedroom, two person, two storey dwelling the minimum GIA is 58sq m. The policy emphasises that these are minimum standards which developers are encouraged to exceed.
 9. Notwithstanding which calculation is correct, the proposed development would not meet the very minimum floor space area. This factor, coupled with a poor outlook leads me to find that the occupants of the proposed dwelling would experience a constrained and oppressive living environment. This would fail to meet the objectives of improving the quality of London's housing as set out in Policy 3.5 of the MALP. Whilst I note the appellant's view that the floor area of the proposed bedroom would be generous, this does not alter the fact that overall floor area would not meet the minimum requirements of the policy.
 10. I agree with the Council that the ground area of the proposed garden would be adequate in the context of this urban environment. There would be some overlooking of the proposed garden from the rear windows of the first floor flats at No 58. However, a degree of overlooking of private amenity space is inevitable in close knit urban environments such. Whilst there would be an inevitable loss of a degree of privacy for users of the proposed garden, I do not consider that this would be of an extent to warrant the dismissal of this appeal on that ground.
 11. Taking the above matters into consideration, I conclude that the proposal would not provide adequate and acceptable living conditions for the occupants

of the proposed unit. It would therefore conflict with Policy 3.5 of the MALP, Policy 7.6 of the London Plan and Policies 3.5 and 7B of the Ealing Development Management Development Plan Document 2013. These policies, amongst other things, require that the new development should provide high quality indoor space that meets the space standards set out in Table 3.3 and achieves a high standard of amenity (living conditions) for its occupiers.

Other matters

12. I have taken into account the appellant's contention that the Council have not adequately consider that the benefits of the proposal. I recognise that the removal of the garage block and the replacement by the dwelling would result in some localised visual improvement. I also recognise the modest contribution that the proposed development would make to housing supply. However, I do not consider that these benefits would outweigh the harm that I have found to the living conditions of the occupants of the proposed dwelling.

Conclusion

13. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Stephen Normington

INSPECTOR