

Appeal Decision

Site visit made on 10 April 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 21 April 2017

Appeal Ref: APP/A5270/W/17/3169882

22 St. Andrews Road, London, W3 7NE

- 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 Ijaz Khan of Power It Up Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 164162FUL, dated 31 July 2016, was refused by notice dated 10 October 2016.
 - The development proposed is construction of six residential units (3x 1 bed and 3x studio self-contained) with associated bin and bike storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on: the character and appearance of the area; the living conditions of the occupants of No 27 Brassie Avenue; and the living conditions of future occupants.

Reasons

Character and appearance

3. The appeal site is located on St. Andrews Road and is an area of land within the current curtilage of No 22, which includes an existing garage and a covered wooden frame attached to No 22. The surrounding area is largely residential and the area is dominated by two-storey dwellings. This includes a mix of terraced, semi-detached and to a lesser degree detached properties. It was clear from my site visit that most properties in the area have a reasonable level of amenity space in the form of their rear gardens. The majority of properties in the area have hipped roofs and are finished in brick or white render or a mixture of both.
 4. The proposal seeks to construct six flats that would be accommodated within a flat roofed 3 storey building that would be finished in brick and render. The drawings show that the building would have a rectangular box shape and, in my view, would have a utilitarian appearance with very little architectural merit. The proposal would be located immediately adjacent to the current property No 22 and the drawings show that it would be touching the eaves of No 22. In addition, there would be relatively limited space around the buildings and No 22 would have little private garden area.
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5. As set out above, the area is dominated by two storey dwellings with hipped roofs and reasonably sized gardens. The scheme with its three storey height and flat roof would be in stark contrast to the predominant pattern of development in the area and would be an overly dominant and incongruous feature in the street scene. This would be exacerbated by its very close proximity to the two storey dwelling No 22 and the limited outdoor amenity space around the buildings. In addition, the front juliet balconies would appear as alien features in the street scene. This would cause significant harm to the character and appearance of the area and, in my view, would constitute overdevelopment.
6. I acknowledge that there are two large buildings with flat roofs at the end of St Andrews Road, where it meets The Fairway. However, these are located some distance from the appeal site and are on a corner plot, rather than being located directly between two storey dwellings. In any event, I consider that the existing flat roofed buildings do not sit well within their local context. Consequently, I consider that the presence of existing inappropriate development does not warrant the approval of a development that would be harmful in its own right. Further, the scheme does not have the appearance of terraced properties and despite the suggestion of the appellant, it would not sit well against the existing terraces in the area.
7. For all of these reasons, I conclude that the scheme would cause significantly harm to the character and appearance of the area and runs contrary to Policies 1.1 and 1.2 of the Ealing Development Core Strategy (2012) (the CS) and Policies 7.4 and 7B of the Ealing Development Management Development Plan (2013) (the EDMDP). In summary, these policies seek to ensure: excellence in urban design, especially in relation to its context; existing built areas should complement their street sequence, building pattern, scale and detailing; and that new development has positive visual impacts. I also consider that the proposal runs contrary to Policy 3.5 of the London Plan (2015) (the London Plan), which sets out that the design of all new housing developments should enhance the quality of local places, taking into account physical context and local character.

Living conditions of the occupants of No 27 Brassie Avenue

8. The rear elevation of the proposed building would run alongside and in close proximity to the rear garden of No 27 Brassie Avenue. Given the three storey height of the scheme and that there would be numerous openings at first and second floor levels, I consider that the scheme would result in unacceptable overlooking to the rear garden of No 27 and also to the gardens of the properties further along Brassie Avenue to the east. This would cause a loss of privacy and cause harm to the occupant's living conditions.
9. In addition, due to the scale, height and mass of the proposed building close to the boundary with No 27, I consider that it would have a very overbearing effect on the rear garden of No 27. The appellant has provided a sunlight drawing. However, this only considers the sun when it would rise in the east through to its position to the south. It ignores the sun's position in the evening to the west. I consider that the scheme due to its siting, scale, height and mass would block sunlight to the rear garden of No 27 in the evenings, causing unacceptable overshadowing. This would also affect the occupants enjoyment of their rear garden at No 27, to the detriment of their living conditions.

10. The appellant has suggested that the loss of light is concerned with living space for example, a bedroom or living room. However, Policy 7.B of the EDMDP requires new development to achieve a high standard of amenity for its users and for adjacent uses by ensuring (amongst other things) good levels of daylight and sunlight. I consider that this includes rear amenity space.
11. In conclusion on this main issue, the proposal by virtue of its siting, height, scale and mass would cause a loss of privacy, have an overbearing effect and result in a loss of sunlight to the rear garden of No 27 Brassie Avenue. This would cause substantial harm to the occupants living conditions. The scheme therefore runs contrary to Policy 7.B of the EDMDP and Policy 7.6 of the London Plan, which sets out that developments should not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy and overshadowing. The Council has referred to other development plan policies within their reason for refusal on this matter. However, these seem to be of limited relevance to this particular main issue.

Living conditions of future occupants

12. The Council has raised concerns that Flats 1, 3 and 5 do not provide suitably sized bedrooms. The Technical Housing Standards – nationally described space standard (2015) (the space standards) set out that in order to provide two bedspaces, a double (or twin bedroom) must have a floor area of at least 11.5 square metres. Flats 1, 3 and 5 are one bedroom units, but the appellant has not sought to suggest that these would be occupied by a single person. Consequently, I consider that it is reasonable to assume that Flats 1, 3 and 5 could be occupied by a couple. The bedrooms of Flat 1, 3 and 5 all fall below the size required to meet the space standard for a double room. As a result, I agree with the Council that whilst Flats 1, 3 and 5 would meet the overall gross floor area space standard, they would nonetheless provide undersized bedrooms. This constitutes poor design and would provide a substandard level of living accommodation to future occupants.
13. Turning to external amenity space, the Council has calculated that the scheme would provide for 68 square metres of external amenity space for the six flats and No 22. The EDMDP at Table 7D.2, sets out that 1-2 person flats should have a minimum of 5 square metres of private garden space. Further, Table 7D.2 also identifies that 1-2 person houses should also have 5 square metres plus 1 square metre for each additional occupant. No 22 is a three bedroom property and therefore I consider it is reasonable to assume that it would be occupied by 4 people, creating a need for 7 square metres. These standards reflect those set out in the Mayor of London Housing Supplementary Planning Guidance (March 2016). To meet the minimum requirement the scheme would therefore need to provide 37 square metres of private garden space. The scheme would meet this by providing for 68 square metres of external garden/amenity space.
14. The EDMDP goes on to note that *'The amount and form of provision should respond to the physical context, respecting the established local character and pattern of building, public space, landscape & topography. This provision should therefore seek to preserve the established urban grain, and by providing a relationship between the proposed development and neighbouring buildings and spaces, safeguard the privacy and amenity of existing and future*

occupants. Typically this would equate to an area of 15 sq. m per flat¹. In addition, the same is also said for houses, but that typically an area of 50 square metres would be required.

15. Having regard to the local character and pattern of building in the area, which is predominantly two-storey dwellings with reasonably sized gardens, I consider that to preserve the established urban grain, a greater level of private garden / amenity space than the 68 square metres the scheme would provide is required. However, I consider that this matter relates more readily to the effect of the proposal on the character and appearance of the area. I have found above that the scheme would harm the character and appearance of the area and would represent overdevelopment.
16. The appellant has set out that there is an area of open space close by, that could be utilised by future occupants, which I observed on my site visit. In addition, I am mindful that the scheme would exceed the minimum standards for outdoor garden / amenity space set out above. Having regard to these matters, I am of the view that the scheme would provide sufficient external amenity space to provide for appropriate living conditions for future occupants. However, this finding is in terms of the consideration of the living conditions of future occupants in isolation.
17. In conclusion on this main issue, whilst I have found that the scheme would provide for sufficient external amenity space, solely in terms of the consideration of living conditions, the scheme would provide undersized bedrooms, which constitutes poor design and would provide a substandard level of living accommodation to future occupants. The scheme therefore runs contrary to Policy 7B of the EDMDP and Policy 7.6 of the London Plan. These seek to deliver a high standard of amenity for users of the development and require developments to provide high quality indoor spaces. Again, the Council has referred to other development plan policies within their reason for refusal on this matter. However, these appear to be of limited relevance to this particular main issue.

Other matters

18. I acknowledge that many representations of support for the scheme have been made. However, this in itself is not sufficient to overcome or outweigh the identified harm. Some interested parties have, however, raised a number of other concerns. I am mindful that I am dismissing the appeal on other grounds and therefore these do not affect my overall conclusion. Consequently, such matters have not had a significant bearing on my decision.
19. The appellant has set out that there is a shortage of general housing in London and a high demand for flats. Whilst I have not been provided with any evidence either to support this view or to illustrate what the need might be, I consider that even if there was a significant need for 1 bedroom flats within the area, this would not be sufficient to outweigh the above identified harm and the associated development plan conflict.

¹ Footnote to Table 7D.2 of the EDMDP.

Conclusion

20. For the reasons set out above and having regard to all other matters raised, the development conflicts with the development plan when taken as a whole. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR