

Appeal Decision

Site visit made on 24 April 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 03 May 2017

Appeal Ref: APP/A5270/W/17/3168330
47 Oldfield Lane South, Greenford UB6 9LB

- 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 K Satkunarajah against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 163119FUL, dated 24 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is internal alterations to convert flat over the shop to two flats, installation of railings to create roof garden, provision of refuse storage, car and cycle parking.
-

Decision

1. The appeal is allowed and planning permission is granted for internal alterations to convert flat over the shop to two flats, installation of railings to create roof garden, provision of refuse storage, car and cycle parking at 47 Oldfield Lane South, Greenford UB6 9LB in accordance with the terms of the application, Ref: 163119FUL, dated 24 June 2016, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: Ordnance Survey Plan 1:1250; Block Plan 1:500; Existing Plans and Elevations 47/CDL/EX Rev 3; Proposed Plans and Elevations 47/CDL/PRO Rev 5.

Main Issue

2. The main issue is whether the proposal would provide acceptable living conditions for future occupants of the second floor flat, with particular regard to the provision of internal space.

Reasons

3. The appeal site is a two-storey semi-detached property located on the north-western side of Oldfield Lane South. The locality is characterised by a mix of uses, including both commercial and residential units. The proposed development seeks to create two self-contained flats within the upper floors of the appeal site. The ground floor is occupied by a retail unit, which is accessed separately to the proposed scheme. The proposed flat on the first floor would
-

comply with the relevant standards for internal space and would provide an acceptable level of accommodation. No concern has been raised by the Council in regard to the first floor flat. Based on both my observations made during the site visit, and from the submitted evidence, I find no reason to reach a different conclusion.

4. The proposed studio flat on the second floor would be situated within the roof space of the building. The Council's reason for refusal focuses on this proposed flat and, as such, my decision does likewise.
5. Policy 3.5(c) of The London Plan 2016 (TLP) sets out minimum space standards in Table 3.3. For studio flats the minimum Gross Internal Area (GIA) is 37 square metres for 1 occupant. At 47 square metres the proposed GIA therefore exceeds these requirements.
6. Nevertheless, the maximum floor to ceiling height of the proposed development would be around 2.2 metres. It is accepted that this is only marginally below the minimum height of 2.3 metres as set out in the Technical Housing Standards¹ (THS). However, to address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area is strongly encouraged within the TLP. Policy 3.5 of the Ealing Development Management Development Plan Document 2013 (DPD) also states 2.5 metres is the minimum requirement in relation to the finished floor level and finished ceiling level.
7. As a consequence, it is noted that the proposal would not strictly accord with the TLP or DPD. However, the explanatory notes of TLP further states that whilst the higher figure is strongly encouraged, it is not a fundamental requirement that development proposals must satisfy.
8. In any event, the disparity between the figures stated within the TLP, the DPD and THS is not significant, with a minimal difference of between 10 and 20 centimetres. The aim behind the higher figure of 2.5 metres is to ensure that new housing is of adequate quality, especially in terms of light, ventilation and the sense of space.
9. In this regard, the flat would be of an adequate size and would be served by windows in both front and rear elevations. Whilst the proposal falls short of the specified height, it does so only marginally. Despite this modest deficiency, the GIA would be exceeded and from observations made during the site visit and from the submitted evidence, the proposed windows would enable the living environment to be well lit and ventilated. As such, it is not considered that the development would result in an oppressive or cramped form of development.
10. It is thus considered that the flat on the second floor would not harm the living conditions of future occupants, with particular regard to the provision of internal space. Despite the technical breaches of the relevant development plan policies, the site specific circumstances of this appeal mean that the scheme complies with the overall protection of amenity objectives of Policies 3.5 and 7B of the DPD, Policies 3.5 and 7.6 of TLP and guidance contained

¹ Nationally Described Space Standard 2015

within The London Plan Housing Supplementary Planning Guidance 2012 and the THS.

11. Furthermore, there would also be no conflict with one of the core planning principles of the National Planning Policy Framework, which is to secure a good standard of amenity of all existing and future occupants of land and buildings.

Conditions

12. No conditions have been suggested by the Council in the event of planning permission being granted. However, the standard time limit condition is required, as is a condition requiring that the development is carried out in accordance with the approved plans in order to provide certainty.

Conclusion

13. For the above reasons, I therefore conclude that, subject to conditions, the appeal should be allowed.

Helen Cassini

INSPECTOR