The Planning Inspectorate

Appeal Decision

Site visit made on 20 June 2017

by Paul Dignan MSc PhD

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

Decision date: 20 July 2017

Appeal Ref: APP/A5270/C/17/3170356
32 Derley Road, Southall, Middlesex, UB2 5EL.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Kashif Shakoor against an enforcement notice issued by the Council of the London Borough of Ealing.
- The enforcement notice, numbered EN161002CUOB, was issued on 30 January 2017.
- The breach of planning control as alleged in the notice is the material change of use of an outbuilding to use as a self-contained dwelling.
- The requirements of the notice are: a) Cease the use of the outbuilding as a self-contained dwelling; b) Remove from the outbuilding the kitchen and drainage connections that facilitate the use of the outbuilding as a self-contained dwelling; c) Remove from the outbuilding the bathroom and drainage connections that facilitate the use as a self-contained dwelling; and d) Remove all resultant debris.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered

Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Application for costs

2. An application for costs was made by the Council of the London Borough of Ealing against Kashif Shakoor. This application is the subject of a separate Decision.

Reasons

3. The appeal concerns an outbuilding to the rear of an end of terrace house on the northern side of Derley Road. The outbuilding is accessed via a narrow alleyway running along the western side of the property which appears to serve a number of garages/outbuildings for Derley Road Properties. The outbuilding is separated from the rear garden of the main dwelling by a wall incorporating the side of the outbuilding. It is set in from the alleyway and has a piece of garden enclosed with it to the rear of the building.

4. An appeal on ground (a) is made on the basis that planning permission should be granted for the development, and this is accompanied by a deemed planning application. The main issues are the effect of the development on the

character and appearance of the area, the impact on the living conditions of neighbours, and whether the development itself provides satisfactory living conditions.

5. The area is residential, mainly comprising 2-storey semi-detached houses of similar design and scale, and with front and rear gardens. Most of the houses in the area appear to have some form of building at the rear, but the sub-division of the rear garden and the establishment of a separate residential property in a backland situation appear to me to be at odds with the established character and layout of Derley Road and its surrounds. Although only partially visible in views along the laneway from the public highway, the presence of the residential building would be evident through associated activity, and it would be perceived as incongruous and discordant in the context of the established residential layout. It would also result in a significant reduction in the rear garden area of the main dwelling, eroding the open character of the rear gardens of Derley Road which make a positive contribution to local character.

6. The discordant and uncharacteristic nature of the development would be contrary to London Plan (LP) Policies 7.1, 7.4 and 7.4, Development Management (DM) and Policy 7.4 of Ealing's adopted Development Management DPD (DMDPD). Amongst other things, and in accordance with the National Planning Policy Framework (the NPPF), these policies seek to ensure that development is of high quality which responds positively to local character.

7. In terms of the living conditions of neighbouring properties, the introduction of a separate residential use in this backland location is likely to harm the living conditions of the occupiers of 32 Derley Road and the neighbouring attached dwelling by virtue of increased noise and disturbance, and loss of privacy in the upper floor rear facing rooms in particular, due to the close proximity of the rear garden of the appeal development.

8. Regarding the standard of accommodation, the Council has assessed the property as a 3-bedroom 4-person dwelling against the minimum space standards for new dwellings set out in the LP. For a single storey dwelling of this type, the LP expects a minimum gross internal area of 74m^2, whereas the building has a floor area of 58m^2. The appellant claims that the building is a 2-bedroom dwelling, and that is how it was arranged on my site visit. This requires a minimum floor area of 70m^2 for 4 bed spaces and 61m^2 for 3 bed spaces. By whichever of these standards it is assessed against, it is sub-standard. The appellant has referred to lower space standards which it is claimed are adopted by most local authorities, but these are not specified and no justification is given for providing accommodation that falls below the local standard.

9. There is a reasonable sized rear garden space, some 68m^2, although access to it is not from the rear of the dwelling, but down a narrow side passage from the front, which is not an entirely satisfactory arrangement. However, although adequate in terms of size, the level of privacy provided in the rear garden space is poor, being directly overlooked at relatively close quarters by the upper floor windows of the main house and its attached neighbour.

10. For these reasons I consider that the development would harm the living conditions of the occupiers of neighbouring properties, particularly in terms of noise and disturbance and a loss of privacy, and it would provide sub-standard

accommodation for future occupiers. It would therefore fail to accord with LP Policies 7.1 and 7.6, and DMDPD Policy 7A.

11. Having considered all other matters raised, I conclude that the appeal development would conflict with the development plan read as a whole, and there are not material considerations, including the contribution to the local housing stock, sufficient to outweigh this conflict. It follows that the appeal must be dismissed and planning permission withheld.

Paul Dignan

INSPECTOR