

Appeal Decision

Site visit made on 27 June 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/A5270/W/17/3172391
36 Bilton Road, Perivale, UB6 7DS

- 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 Maheshkumar C. Rathod against the decision of the Council of the London Borough of Ealing.
 - The application Ref 165858FUL, dated 14 November 2016, was refused by notice dated 3 February 2017.
 - The development proposed is conversion of part of A1 retail shop into a studio flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would provide suitable living conditions for future occupants with particular regard to daylight, outlook, and privacy.

Reasons

3. The appeal property is situated in a parade of shops and commercial premises on a main road. It is currently in use as a hair salon and has a frontage to the street. A café lies on one side and a large beauty salon on the other side. An alleyway connects the rear of the premises to a side road, Devon Close. The alleyway is gated and there is no vehicular access. The area behind the appeal site is mainly residential.
 4. The rear part of the shop comprises a kitchen, toilet, office and treatment room. This part of the shop is single storey. The proposal is to sever the front portion of the shop from the rear and to convert the rear part to a single storey studio flat which would be accessed via the alleyway.
 5. The only external alteration to the building would be to provide a new larger window to the rear than the one which exists currently. This would be the only window to serve the proposed flat, except for the existing toilet window.
 6. The proposed flat is rectangular in shape, and the rear window would be some distance from the new wall which would separate the flat from the hair salon. From the plan, this distance would appear to be around 7m. No rooflights are proposed and even taking account of light which could be gained via a glazed door, it is still likely that the half of the flat closest to the salon, would suffer
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from very poor levels of natural daylight. This would be exacerbated by the north-facing nature of the window.

7. Access to the flat would be gained from Devon Close via the alleyway. From my site visit I could see that the alleyway was secured by means of a gate on Devon Close and a second gate provided access to the rear of the appeal property. It seemed to me therefore that access to this area is restricted. However I note that the alleyway is not part of the appeal site as shown on the plans accompanying the appeal.
8. A high fence separates the rear of the appeal site from the rear of the adjacent beauty salon, although there is a wooden gate in it. I have no evidence that the area to the rear of the appeal site is currently used as an accessway from Devon Close to the beauty salon, premises beyond it or any of the upper storey flats on the parade. I note that the owner of the beauty salon has not made any comments on this matter, only on the potential for noise.
9. I also note that the two fences which separate the rear of the appeal site from the adjacent beauty salon and café are shown on the base of the location plan accompanying the appeal. Furthermore since the alleyway is effectively a 'dead end', the number of people passing the appeal site would not be high in any event.
10. As a consequence I consider that there is not a strong likelihood of harm being caused to the privacy of the future occupiers of the flat as a result of people walking past the window. Neither do I consider that there would be a poor outlook from the proposed flat since access to the alleyway would be restricted and outlook would not be dissimilar to looking out across a small back yard to the fence beyond.
11. Whilst on the basis of the evidence before me and my site visit I do not find that the proposed development would be harmful to the living conditions of future occupiers with regard to privacy and outlook, this is outweighed by the unacceptable level of daylight in the proposed flat. This harm is also not outweighed by the benefit of the provision of additional living accommodation for single people in a location well served by facilities and public transport.
12. I therefore conclude that the proposed development would be harmful to the living conditions of the future occupiers of the proposed flat and would be contrary to Policy 7B of the Ealing Development Management Document 2013 (the DPD), which requires new development to ensure good levels of daylight. The supporting text to the policy states that single aspect development which faces north, as this is proposed, would generally not be acceptable.
13. The policies of the London Plan 2016 referred to by the Council do not add to its case, and I do not find the proposal to be contrary to Policy 7.4 of the DPD, which is concerned with protecting the character of an area

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Mike Worden

INSPECTOR