

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: 17th August 2017

Appeal Ref: APP/A5270/W/17/3172652
8 Farm Close, Southall, UB1 3JF

- 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 Rakhbir Chandan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 166284FUL, dated 5 December 2016, was refused by notice dated 10 February 2017.
 - The development is attached 2 bedroom house.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The development has been undertaken and I was able to see this on my site visit.
3. The development is described on the application form as '*attached 2 bedroom house*'. The Council has altered this description to: '*Subdivision of the single family house involving the use of the part single/part two storey side/rear extension as a separate self-contained two bedroom dwelling house with associated amenity space.*' I note that this is the same description which the appellant uses on his appeal form, and I consider this more accurately describes the development than that set out on the application form.

Main Issues

4. The main issues are the effect of the development on a) the character and appearance of the area and b) the living conditions of the occupiers of the property in relation to internal space, external amenity space and provision for access.

Reasons

Character and appearance

5. The appeal property is a semi-detached house which has recently been the subject of a part two storey, part single storey side extension. It lies on a corner plot in a small cul-de-sac in a residential area.
 6. From the street the extension appears subservient to the main dwelling as it has a lower roof ridge height and its upper storey is set back from the building line. The development which is the subject of this appeal does not make any external alterations. The existing front door now serves both the original property and the extended, now additional dwelling. The door leads into a communal hallway and
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both properties are accessed from it. The Council in its officer's report states that it has no concerns about the impact of the development on parking and there is nothing before me that would lead me to a different view on this issue.

7. The Council's officer's report makes reference to density and that the development is of a significantly higher density than the standards set out in Table 3.2 of Policy 3.4 of the London Plan 2015. However, as paragraph 3.28 of the policy makes clear, the figures in the table are not intended to be applied mechanistically and the purpose of the policy is to optimise housing potential. I do not consider that in this case they demonstrate that there would be harm to character and appearance of the area, or overdevelopment of the site, and have afforded those figures little weight in reaching my decision.
8. I consider therefore that the development does not have an adverse effect on the character and appearance of the area, as there are no external alterations and the house appears in the streetscene as it did before the development took place. In comparison to the extension as approved, the development for which permission is sought has no effect on the visual relationship with neighbouring buildings or the pattern of development within the area. I recognise that some local residents still have concerns about the impact of the extension on the character and appearance of the area, but in considering this appeal, I can only take into account the matters before me and relating to this appeal alone, not issues relating to the granting of planning permission in the past.
9. I conclude therefore that the development accords with Policy 7.4 of the Council's Development Management Policies Development Plan Document 2013 (the DPD) which seeks to ensure that new development respects local character. Other policies referred to me by the Council do not add to its case.

Living conditions

10. Table 3.3 of the Housing Standards Minor Alterations to the London Plan March 2016 (the MALP), sets out the minimum space standards for new dwellings. This amendment reflects the published nationally described space standard¹ (the Standard). In accordance with both Table 3.3 of the MALP, and the Standard, the minimum total Gross Internal Floor Area for a two bedroomed two storey house would be 70 square metres. The Council officer's report refers to 61 square metres but according to Table 3.3 of the MALP and Table 1 of the Standard, that figure applies to single storey dwellings. The development at the appeal site is a two storey dwelling with bedrooms upstairs and living space downstairs.
11. The total internal floorspace figure for the dwelling agreed by the parties is around 58 square metres which is significantly less than the 70 square metres required by the MALP and the Standard. The Standard also sets down minimum bedroom sizes and neither bedroom in the appeal dwelling would constitute a double or twin bedroom in accordance with its requirements. The front bedroom which is the larger of the two, has a floorspace area of around 9.4 square metres which is below the requirement of 11.5 square metres. Both bedrooms would therefore be classed as single bedrooms in accordance with the Standard. The Standard also requires that a dwelling with two or more bedspaces has at least one double bedroom, which would not be met in this case.
12. In his statement the appellant has suggested that he would like me to consider an alternative arrangement for the laying out of external amenity space to the rear of the property to the one set out on the ground currently and which I saw on my site

¹ Technical housing standards – nationally described space standard March 2015

visit. I consider that such an arrangement, as set out in the appellant's statement, would be more satisfactory than the existing one and would provide a more logical and larger area of amenity space. Such an arrangement could be secured by condition, should the appeal be allowed.

13. The Council's officer's report makes reference to access being gained to the dwelling via the kitchen and considers this to be unsatisfactory. However, I do not consider that this is an unacceptable arrangement given that the location of the cooking area is towards the back of the kitchen and that access to the stairs is close to the front door of the property. There is also a secondary access to the rear of the property through the side gate.
14. I do consider that there is some harm as a result of a reduced level of daylight into the dining area which is not served by a window and would largely be reliant upon light from the adjoining lounge window, although this in itself would not make the development unacceptable.
15. Notwithstanding my findings on external amenity space provision, access and light, I conclude that the development falls significantly short of the required internal space standards and this results in poor and unacceptable living conditions for occupiers and future occupiers. This is contrary to Policy 7B of the DPD which seeks to protect amenity through good design. It is also contrary to Policy 3.5 of the London Plan 2015, as amended by the MALP, which seeks to ensure that new housing developments are of good design and quality. Furthermore the development is contrary to the Standard in terms of overall internal space provision, and that it does not provide a double or twin bedroom of sufficient size.

Planning Balance

16. The development provides additional self-contained living accommodation in an area reasonably well served by public transport and close to local amenities. Whilst I accept that this provides some benefit, and that the development is not harmful to the character and appearance of the area, this does not outweigh the significant harm to the living conditions of occupiers and potential future occupiers which I conclude results from the development, for the reasons set out above.
17. I recognise that there may be conversions of similar properties in the area, and the appellant has drawn my attention to a scheme on Dormers Wells. However, I do not have the full details of those cases, the specific circumstances of the internal arrangements of those properties, or the background to those decisions, and in any event have determined this appeal on the basis of the evidence before me.

Conclusion

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

Mike Worden

INSPECTOR