



Appeal Decision

Site visit made on 11 July 2017

by R A Exton Dip URP MRTPI

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

Decision date: 21st August 2017

Appeal Ref: APP/A5270/W/17/3173419

Rear of 311 Uxbridge Road, Acton, London W3 9QU

- 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 Stephen Godman against the decision of the Council of the London Borough of Ealing.
 - The application Ref 170233FUL, dated 12 September 2016, was refused by notice dated 15 March 2017.
 - The development proposed is described as erection of a new dwelling house (1 Bedroom).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on i) the living conditions of occupiers of No 313 Uxbridge Road; ii) the living conditions of future occupiers of the proposed dwelling; and iii) the character and appearance of the Creffield Conservation Area.

Reasons

Living conditions of occupiers of No 313

3. Although the Council's reasons for refusal refer only to overlooking impacts on the occupiers of No 313, the planning officer's report also refers to an overshadowing impact and loss of light. I note the appellant's comments on this matter not being raised in the previous planning application on the site. However, as this forms part of the evidence before me I have given it due regard.
4. The proposed dwelling would fill the full width of the site. Its rear corner, closest to Uxbridge Road, would be sited on the shared boundary with No 313. Due to the angle of the rear boundary of the site, the opposite rear corner would be slightly set in from the shared boundary with No 313. This siting would result in a tall elevation in very close proximity to the shared boundary. This would appear as a towering and dominant feature above the fence line to the shared boundary. It would have an adverse effect on the living conditions of occupiers of No 313 by overshadowing the southern part of their garden. Due to the proposed dwellings location to the east of the garden of No 313, it would result in a limited loss of sunlight to the southern part of its garden.

5. On the rear elevation of the proposed dwelling facing the garden of No 313 the plans show folding doors and a window at ground floor level, two windows at first floor level and 3 roof lights within the roof slope.
6. The folding doors and window at ground floor level would be almost completely obscured by the boundary fence. This would prevent any overlooking and loss of privacy to the rear garden of No 313 from ground floor level.
7. The rear facing first floor windows are described as serving a bathroom and a dressing room. The appellant identifies these rooms as secondary spaces where occupants will not linger. Whilst this may be true, the windows to these rooms would allow for direct overlooking and loss of privacy down into the rear garden of No 313. Given the intended use of these rooms it would not harm the living conditions of future occupiers for the windows to be obscure glazed. This would prevent overlooking and loss of privacy to No 313 and could be secured by an appropriately worded condition.
8. The roof lights in the rear roof slope are situated at high level. This, combined with the angle of the roof slope would mean that there would be no direct views into the rear garden of No 313 causing loss of privacy.
9. In concluding on this matter I consider that whilst overlooking and loss of privacy does not occur or could be avoided through appropriate conditions, there would be an overshadowing effect on the rear garden of No 313 Uxbridge Road that would have a detrimental effect on the living conditions of occupiers. Consequently, the proposal would be contrary to Policy 7B of the adopted Ealing Development Management Development Plan Document (the DPD) and Policy 7.6 of the adopted London Plan 2015 (the London Plan). These seek to achieve a high standard of amenity and avoid unacceptable harm for uses adjacent to new development.

Living conditions of future occupiers

10. The siting of the proposed dwelling would result in a very small triangular shaped rear garden/amenity area. The Council calculate its area as approximately 3sqm. This falls significantly below the typical 50 sqm of private garden space per house anticipated in the justification for Policy 7D of the DPD. Although the planning officer's report highlights this deficiency it is not clearly reflected in its reasons for refusal. Nevertheless, as it forms part of the evidence before me, I have given it due regard. Whilst I accept that the figures contained in Policy 7D are a guide and need to be applied in context, I consider that the amount of garden/amenity space proposed here would be insufficient on a practical level. Taking into account the likely requirements for useable space and domestic paraphernalia for a dwelling of the size proposed, the small area and its contorted shape would be inadequate.
11. I note that the proposed dwelling has been designed with its main habitable rooms facing onto Denehurst Gardens and the ground floor is mainly open plan. Taking into account the width of the street (Denehurst Gardens) which would form the main outlook to these rooms and the relatively shallow depth of the proposed dwelling, I consider that this arrangement would allow for adequate amounts of natural light to enter the dwelling.
12. In concluding on this matter I consider that whilst the standard of internal accommodation would be adequate, the amount and quality of

garden/ amenity space would not be. Consequently, the proposal would be contrary to Policy 7B of the DPD and Policy 7.6 of the London Plan. These seek to achieve a high standard of amenity for users of new development including provision of high quality outdoor spaces.

Conservation Area

13. Within the planning officer's report, the Council conclude that the proposal would not maintain the urban grain of the Creffield Conservation Area (CCA). However, this concern is not reflected in the Council's reasons for refusal. Notwithstanding this, I must have regard to the statutory duty, set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, by paying special attention to the desirability of preserving or enhancing the character or appearance of the CCA.
14. The Council is concerned that the size of the appeal site, when compared to surrounding development on Denehurst Gardens, Wilcott Road and the adjacent part of Uxbridge road, would not maintain the urban grain of the CCA.
15. The appeal site is situated to the rear of 311 Uxbridge Road but is most closely related to the dwellings on the western side of Denehurst Gardens. The proposed dwelling would be most readily viewed within the context of these dwellings. They form a terrace of relatively uniform Edwardian houses following a well-defined building line set back from the street edge. Development facing onto Uxbridge Road is different by comprising a mix of commercial and residential uses. It is generally of a larger 3 storey scale.
16. The appeal site has a similar width of frontage, but much less depth than the neighbouring dwellings which it is most closely related to, resulting in a smaller plot size. When viewed from directly in front, on Denehurst Gardens, this difference in plot size would not be apparent. When viewed from the junction of Denehurst Gardens and Uxbridge Road, the lesser depth of the appeal site would be more apparent. However, this difference occurs at the junction of two areas of character, where a degree of variation in the street scene might be expected. Consequently, I do not consider that the proposal would appear out of character by virtue of the size of the plot.
17. The proposed dwelling would follow the established building line. Its appearance draws from design elements of the nearby Edwardian houses. Appropriate detailing of fenestration and materials could be secured by an appropriately worded condition. Overall, I consider that the proposal would preserve the character of the CCA.

Other Matters

18. I note the appellant's comments on the sites general suitability for residential development and the contribution it would make, albeit limited, to increasing the borough's housing stock of smaller residential units. Whilst I do not disagree with these benefits, they do not outweigh the harm to the living conditions of neighbouring residents and future occupiers of the proposed dwellings that I have identified.
19. I also note the changes that have been made to the proposal since the previous refusal of planning permission and the differences between the Councils assessment of the two proposals. However, I have considered the

appeal on its own merits based of the information before me and so these factors have carried limited weight in arriving at my conclusion.

Conclusion

20. Whilst I find the standard of internal accommodation within the proposed dwelling acceptable and that it preserves character and appearance of the CCA, the harm to living conditions of occupiers of No 313 Uxbridge Road and future occupiers of the proposed dwelling in terms of outdoor amenity space renders the proposal contrary to the development plan as a whole. In light of this and taking all other matters raised into account I conclude that the appeal should be dismissed.

Richard Exton

INSPECTOR