



Appeal Decision

Site visit made on 26 June 2019

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

Appeal Ref: APP/A5270/W/19/3224969

178 Uxbridge Road, London W7 3TB

- 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 Jazz Sidhu against the decision of the London Borough of Ealing Council.
 - The application Ref 185708FUL, dated 6 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is the 'conversion of a dwelling house into 1xstudio flat, 1x1bedroom flat and 1x2bedroom flat, including 2 storey rear extension and a loft conversion'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the appeal property and the surrounding area.
 - The effect of the proposal on the living conditions of future occupiers of the flats with particular regard to the standard of living accommodation for the upper floor unit and overlooking and loss of privacy effects for the ground floor flat.

Reasons

Character and Appearance

3. The appeal property is a traditional two storey end of terrace dwellinghouse, situated on the south side of Uxbridge Road (the A4020) at its junction with a side road known as Factory Yard. The appeal premises is currently a three bedroom property, with its front elevation built tight up to the street and with a modest walled garden to the rear. It has a traditional 'L' shaped footprint with a two storey wing extending rearwards into the garden. The building is of a simple but pleasant period design, faced in traditional brickwork with pitched roofs.
4. The character of the surrounding area is a mix of residential houses and commercial properties, of differing architectural styles and ages of buildings. The neighbouring adjoining properties to the west of the appeal premises are

similar terraced houses of a simple and attractive traditional appearance. To the east, and on the other side of Factory Yard, is a commercial property occupied by a hot food outlet and a domestic appliance shop. On the opposite side of Uxbridge Road, there is a terraced row of two storey properties in various commercial uses at ground floor, with living accommodation above. To the rear of the property, there are a number of commercial units along Factory Yard and, beyond these, there are residential properties known as Vine Cottages.

5. The appeal proposal would extend the house, infilling the recess to the side of the rear wing and extending backwards into the garden area. This extension would have a flat roof over most of its extent, but the rearmost portion would be covered by a mono-pitch roof.
6. The scheme also includes a dormer extension which would occupy the full width of the existing rear roof plane. Internally, the extended house would accommodate 3 self-contained flats. A small area at the rear of the plot would be retained for refuse bins, cycle parking and amenity space.
7. The scale and form of the additions would extend the building considerably. The proposed rear extension's size and uncharacteristic design, with an expanse of flat roof and a pent roof element, would be at odds with the traditional character, proportions and design of the house. This would be compounded by the scale and box like design of the full width dormer roof addition. The combination of the extensions would harm the character and appearance of the appeal property and diminish its architectural integrity.
8. Furthermore, the extensions would look odd, imposing and incongruent in public views. Whilst there would only be limited visibility of the additions from Uxbridge Road, the proposals would be quite prominent in views from Factory Yard. In this regard, I note the appellant's submissions that this side road is a cul-de-sac serving mainly commercial buildings. However, it also leads to the Vine Cottages residential properties and there is a footpath link running further south. When I visited there was a steady stream of people walking along Factory Yard and it clearly forms part of the public domain within which the proposals would be viewed.
9. I have noted the appellant's submissions regarding 'permitted development' provisions for roof additions to a single dwellinghouse. However, that is not directly relevant to this case, which concerns proposed extensions and alterations to accommodate 3 self-contained flats, for which planning permission is required.
10. On this main issue, I conclude that the appeal scheme would be contrary to policy 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and policy 3.5 of the London Plan (2016), which requires the design of new developments to enhance local places and take into account local character. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework (February 2019) (the Framework), which similarly requires developments to be visually attractive and sympathetic to local character. The Council has also referred to policies 1.1 and 1.2 of its Core Strategy (2012), but these strategic level policies have limited relevance to this main issue.

Living Conditions

11. The Council's second reason for refusal raises a concern about the floor to ceiling heights in the dormer extension, which would be a bedroom. Based on the submissions before me, the maximum achievable internal ceiling height would be about 2.1 metres falling to 1.5 metres under the front roof plane. This would be notably below the 2.3 metre height set out in the Government's Technical Housing Standards (2015), which is recognised guidance on these matters.
12. This would mean that a significant portion of the floorspace of the proposed flat 2 would be below the guideline ceiling height. Whilst the precise proportion is disputed by the parties (the Council says 42% whilst the appellant says 33%), unduly low ceiling heights will be a feature of a notable part of the living accommodation. This would amount to sub-optimal and oppressive living conditions for future occupiers.
13. I have noted the appellant's submissions on this matter, including his view that flat 2 is intended as a small non-family unit and his suggestion that a planning condition could require an increase in floor to ceiling heights by remodelling the existing building, albeit that this would involve a considerable amount of work. However, there is insufficient evidence before me to demonstrate that this would be physically achievable or that such a condition would meet the required tests, as set out in paragraph 55 of the Framework.
14. The Council's second reason also raises concerns about the effect on living conditions of the ground floor flat in terms of its proximity to the small garden and bin and cycle stores. There would be two ground floor bedroom windows in close proximity to this space and the facilities within it and there could be some potential for privacy loss. However, it is unclear how this outdoor space and facilities would be managed and there would appear to be no direct access from the studio and flat 2 to this rear space, other than via the front of the property, along Factory Yard and through the rear garden gate. Given my findings above on the main issues, I do not consider it necessary to explore this matter of detail further.
15. On this main issue, I conclude that the living conditions for future occupiers of flat 2 would fall below the expectations set out in policy 7B of the Ealing Development Management Development Plan Document (2013) and policy 7.6 of the London Plan (2016) which seek to protect the living conditions of occupiers and ensure a high standard of amenity, including providing high quality indoor spaces. It would also conflict with the Technical Housing Standards and paragraph 127 of the Framework (February 2019), which seek to ensure that developments achieve high standards of amenity for future occupiers. The Council has also referred to London Plan policy 7.4 and its Core Strategy policy (2012) policy 1.1(g), but these policies have limited relevance to this main issue and I find no specific conflict with them.

Other Matters

16. I have taken into account the appellant's submissions in respect of the location of this site and its suitability for the provision of needed smaller units of accommodation. However, these matters do not outweigh the serious planning harm I have identified under the main issues.

17. I have also considered the views expressed by a third party, including concerns about effects on the amenity of a neighbouring residential property, along with traffic and disruption impacts.

Conclusion

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

P. Staddon

INSPECTOR