
Appeal Decision

Site visit made on 30 July 2019 Scott Britnell MSc FdA

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/A5270/W/19/3223402

49 Crossmead Avenue, Greenford, UB6 9TZ

- 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 Miss Eileen Kelly against the decision of Ealing Council.
 - The application Ref 184335FUL, dated 14 September 2018, was refused by notice dated 14 November 2018.
 - The development proposed is described as "new build residential unit following demolition of garage".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Within its refusal reasons the Council refer to the London Housing Supplementary Planning Guidance November 2016. While I have been provided with a copy of that document, it is lengthy and in the absence of being directed to a relevant section(s), I have not taken it into account in my consideration of the appeal proposal.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of nearby occupiers including those of the host property with particular regard to outlook and privacy, and
 - whether suitable living conditions would be provided to the intended future occupiers of the new dwelling having regard to the proposed internal and external space.

Reasons for the Recommendation

5. The appeal site comprises a detached dwelling house located on the junction of Crossmead Avenue and Beechwood Avenue. The proposed two storey

dwelling would be located to the rear of the host property where a single storey garage currently stands. Crossmead Avenue is made up predominantly of semi-detached and terraced properties, with a small number of detached houses. Beechwood Avenue, which the proposal would front, consists primarily of terraced housing, although the two properties closest to the appeal site are semi-detached.

Character and appearance

6. The new dwelling would be two storeys in height, similar to nearby development. However, it would be sited on a plot that would be significantly smaller than nearby development and would as a result of the plot size appear cramped upon it and out of keeping with the more spacious development nearby. Moreover, the siting of the dwelling forward of No 58 Beechwood Avenue, would result in a prominent, incongruous form of development which would significantly detract from the uniform appearance of the street scene. Harm to the character and appearance of this established residential area would occur as a result. Whilst acknowledging that the garage is not an attractive building, its removal does not justify harmful development.
7. In light of the foregoing, I conclude that the proposal would result in harm to the character and appearance of the area. There would be conflict with Policies 7B and 7.4 of the Development Management Development Plan Document December 2013 (DMDPD) and Policies 7.4 and 7.6 of the London Plan 2016 (LP). These policies seek, among other things, to ensure that new development has regard to the pattern and grain of existing spaces and streets, is of high-quality design, and makes a positive visual impact.

Living conditions – nearby occupiers

8. The proposal would result in a tall structure in close proximity to the party boundary with No 51 Crossmead Avenue. Currently this area is open with a pleasant sense of spaciousness. The proposal would create a sense of enclosure and would be overbearing for the occupiers of this property, particularly when using their rear garden.
9. Moreover, the proximity of the first floor windows in the rear elevation of the new dwelling to the rear garden of No 51 would result in a loss of privacy to this outdoor space. While a degree of mutual overlooking is to be expected within built up urban areas, this is ordinarily from the rear of properties looking down gardens. The proposal would introduce opportunities for overlooking from a wholly new position, from where there is no overlooking at present and would be likely to make the rear garden of this property less pleasant to use as a result.
10. I have considered whether obscure glazing and fixing shut both rear first floor windows would overcome the harm that I have identified. However, given the proximity of these windows to the boundary with No 51 the sense of being overlooked would prevail, even if both windows were to be obscure glazed. Moreover, obscure glazing and fixing shut the bedroom window would be likely to have negative effects on the living conditions for the future occupiers of the proposed dwelling. Mechanically restricting the opening of the bedroom window, as suggested by the appellant, would not alleviate these concerns.

11. The proposal would also result in the tall side elevation being in close proximity to the rear ground floor and first floor windows of the host property. The new dwelling would be a prominent and dominant feature in the rear garden environment, creating a sense of enclosure and overbearance, which would be likely to result in the rear garden and the rear rooms to this property being less pleasant to use. Harm to the living conditions for the occupiers of the host property would occur as a result.
12. No 55 Crossmead Avenue sits two plots away from the appeal site. Views would be available from the rear first floor windows of the new dwelling towards the rear garden of No 55. However, given the level of separation with the appeal site and the intervening garden, the proposal would be unlikely to result in a reduction of privacy to the degree that would be harmful to its occupiers' living conditions.
13. For the reasons set out above I conclude that the proposal would result in the degradation of the living conditions for the occupiers of No 51 and the host property. There would be conflict with Policy 7B of the DMDPD and Policies 7.4 and 7.6 of the LP. These policies seek, among other things, to ensure that new development provides good levels of privacy for the occupants of neighbouring dwellings and does not cause unacceptable harm to the amenity of surrounding land and residential buildings.

Living conditions – intended future occupiers

14. There is dispute between the main parties as to whether the new dwelling would be a 2 bedroom 3 person or 2 bedroom 4 person house. Whilst the submitted drawings indicate a double bed in each of the bedrooms, the Council acknowledge that one of the bedrooms falls below the space standards for a double bedroom. On this basis I have considered the proposal as a 2 bedroom, 3 person dwelling.
15. Taking the Council's measurement of the floor area of the dwelling, I am satisfied that the internal space standards comply with Policy 3.5 of the LP and DMDPD Policy 3.5.
16. However, the proposal would result in very little outdoor space for the intended future occupiers to enjoy. Being a 2 bedroom house, it is reasonable to assume that it may be occupied by a family with children. There would be very limited space for a child to play outside given the proximity of the dwelling to its party boundaries. The space to the front of the dwelling would be unlikely to be suitable as it adjoins the road and could be occupied by a parked vehicle. Moreover, there would be little space to hang out washing and to sit out in relative privacy. A good standard of outdoor space would not be provided, and this would be likely to be harmful to the living conditions of the intended future occupiers.
17. Furthermore, the ground floor kitchen window and the side elevation patio doors would be in close proximity to existing and proposed boundary treatments. The outlook from these windows would be poor as a result and would not provide a high standard of amenity for the intended future occupiers of the new dwelling.
18. The appellant has drawn attention to other dwellings in the area where it is suggested that outdoor space is limited. However, no information concerning

the individual circumstances for these developments has been provided. In any event, each application and appeal must be considered on its own merits. The appellant has also referred to the lack of outdoor space afforded to occupiers of flats. While I acknowledge that the occupants of flats may not benefit from outdoor space in some instances, the proposal before me is for a new dwelling and the circumstances are not directly comparable.

19. Having regard to the above matters, I conclude that the proposal would result in a poor living environment for the intended future occupiers of the new dwelling which would be harmful to their living conditions. This is in conflict with Policy 7D of the DMDPD and LP Policy 3.5 which seek to ensure, among other matters that new houses have high quality outdoor spaces which are fit for purpose and genuinely private.
20. LP Policy 7.6 is referred to within the Council's decision notice. In terms of amenity, this policy refers to development not causing unacceptable harm to surrounding land and buildings. No reference is made to the amenity of the intended future occupiers of new development, and as such it is not relevant to this main issue.

Conclusion and Recommendation

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

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR