
Appeal Decision

Site visit made on 20 August 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 October 2019

Appeal Ref: APP/A5270/W/19/3231641

51 Greenford Avenue, Hanwell, London W7 1LL

- 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 T J Sugrue (Witchell Developments Ltd) against the decision of the Council of the London Borough of Ealing.
 - The application Ref 190045FUL, dated 4 January 2019, was refused by notice dated 28 February 2019.
 - The development proposed described as 'extension to ex-storage, and conversion of ex-2 bed 3 person flat to provide 2 no. 1 bed 2 person flats'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide satisfactory living conditions for future occupants of the two flats.

Reasons

3. The appeal site is a two-storey building in a suburban shopping parade. A commercial unit occupies the front part of the ground floor, with a two bedroom flat known as 51A Greenford Avenue behind. The flat, as well as other residential accommodation on the upper floor, is accessed by a door at the side of the shop. A narrow private yard at the rear of the building serves the flat. At the very back of the property are a single storey storage outbuilding and another yard, both accessed by a shared alleyway off Shakespeare Road.
4. The proposed development would convert the existing ground floor flat 51A from two bedrooms to one. A new one bedroom flat would be created by building on the yard adjacent to the rear alleyway, converting the outbuilding, and using part of the space currently within 51A.
5. Policy 7B of the 2013 Ealing Development Management Development Plan Document (the DPD) and Policy 7.6 of the 2016 London Plan seek to ensure that new development offers high-quality indoor and outdoor spaces with a high standard of amenity, including good levels of privacy, for occupiers.
6. The rear flat's bedroom window would face onto the alleyway, as would two of the four windows serving the kitchen and living room. The alleyway is secured by a gate and is described by the appellant as being underused on account of its narrow width which does not allow vans and cars to access the lane.

Nonetheless, it allows access to the rear of several of the properties on Greenford Avenue and people using the lane would pass very close to the windows. The occupiers of the proposed flat would therefore have less privacy than they could reasonably expect.

7. The alleyway's boundary wall and the high three storey end elevation of No 1 Shakespeare Road would be very close to the same three windows. Across the narrow width of the lane the walls would dominate views from those windows, which would result in occupiers of the bedroom and the living room having a very poor outlook.
8. Using obscure glazing in the windows facing the alleyway would mitigate any harmful reduction in privacy for the rear flat's occupiers. However, even allowing for each room having a rooflight this would lead to a detrimental reduction in daylight reaching the rooms, particularly in the bedroom which would have only a single window. It would prevent the passive surveillance of the lane which might otherwise be a benefit of the development, and would downgrade the outlook from the bedroom from very poor to non-existent. The effects would be less marked in the living room because of the patio door onto the small internal yard, but nonetheless obscure glazing would not be a satisfactory response to the lack of privacy in the rear flat.
9. The narrow yard which currently serves 51A would be divided between the reconfigured 51A and the new rear flat. Policy 7D of the DPD requires new 1-2 person dwellings to have a minimum of 5 m² of private garden space. It also notes that a flat would typically be expected to have 15 m² of private amenity space, and that this should among other things this should be 'fit for purpose'. The proposal would provide each flat with an outdoor space which would fall between the minimum and 'expected' areas set out in Policy 7D.
10. The flats' yards would be tightly enclosed and dominated by the appeal property building and boundary fences. While the spaces would not be permanently overshadowed, the arrangement of the surrounding buildings would mean that they would receive very little sunlight. Their small size would further restrict their usefulness as a place for leisure and relaxation, and more practical purposes such drying clothes. Future occupiers would not be provided with either the quantity or quality of private amenity space which they could reasonably expect to enjoy. This deficiency would not be overcome by the presence of public open spaces in the wider neighbourhood, which would not meet an occupier's needs in the same way.
11. Policy 3.5 of the DPD and Policy 3.5 of the London Plan seek to encourage housing developments of a high quality. They also apply the nationally described standard for internal space, including built-in storage space (the Standard)¹. Both flats would have one double bedroom, for which the minimum gross internal floor area required by the Standard is 50 m².
12. The rear flat would be slightly smaller than the minimum size set out in the Standard, although the parties disagree about the precise measurements. The appellant suggests that the flat would have 1.77 m² of storage space, but the additional plan provided with the appeal evidence indicates that more than half

¹ Technical housing standards – nationally described space standard. Department for Communities and Local Government, March 2015

of this would be in the furniture units shown in the bedroom and kitchen rather than built-in.

13. The parties also disagree about the proposed size of the reconfigured flat 51A. The appellant suggests the Standard requirement is exceeded by 0.2 m², while the Council finds a shortfall of 1.3 m². However, the appellant's figure includes 1.3 m² of storage space under a staircase. When the requirements of paragraph 10 of the Standard are applied that space's contribution to the Gross Internal Area of the flat should be reduced to 1.0 m². Therefore, even if I accept the larger figure for living space provided by the appellant, the flat would effectively fall just short of meeting the Standard.
14. Neither flat would therefore provide the minimum internal area required by the Standard. Despite the relatively limited shortfall in each instance, I consider that both flats would provide cramped living conditions for occupants and, in the case of the rear flat, inadequate built-in storage space. Although the London Plan indicates that development proposals which do not meet the space requirements may be permitted if they are of exemplary design, none of the evidence before me suggests that this exemption should apply in this case.
15. The appellant has drawn attention to other developments locally which fail to comply with the space standards. Whilst I have noted the appellant's summary of the other developments, I do not know the precise circumstances of each case. In any event, that they exist elsewhere is not in itself a reason to allow unacceptable development in this case. I have determined this appeal on its own merits, and find that it would cause harm as described above.
16. I therefore conclude that the proposed development would not provide satisfactory living conditions for future residents in terms of living space and, in the case of the rear flat, outlook and privacy. Because of this, it would conflict with Policies 3.5, 7B and 7.D of the DPD, and with Policies 3.5 and 7.6 of the London Plan, which together require new residential development to be well-designed and to provide satisfactory living conditions, including adequate living space, for future occupiers. It would also fail to comply with the provisions of the 2019 National Planning Policy Framework (the Framework), in particular paragraph 127 which seeks to create places which have a high standard of amenity for existing and future users.
17. I acknowledge that the proposed development would provide an additional single dwelling which would assist in meeting the local demand for housing, and that both the conversion work and expenditure by future occupants would result in some limited economic benefits. However, the limited benefits in those respects would be outweighed by the significant harm resulting from the proposed development which I have identified.

Conclusion

18. For the reasons given above, and having had regard to all other relevant matters raised I conclude that the proposal conflicts with the development plan as a whole, and the appeal should be dismissed.

M Cryan

Inspector