



Appeal Decision

Site visit made on 19 September 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/A5270/W/19/3222790

10 & 12 Bulls Bridge Road, Southall UB2 5LU

- 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 Ms Alison Douglas and Mr Justin Walker against the decision of the Council of the London Borough of Ealing.
 - The application Ref 183720FUL, dated 2 August 2018, was refused by notice dated 14 December 2018.
 - The development proposed is described as the construction of two attached dwellinghouses (with accommodation in the roofspace) (2 x 3 bed) on land adjacent to number 10 Bulls Bridge Road with associated car parking and refuse storage provision; and ground floor rear extension, rear roof extension, front porch extension and installation of 4 no. roof lights to front roof slopes of address 10-12 Bulls Bridge Road.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two attached dwellinghouses (with accommodation in the roofspace) (2 x 3 bed) on land adjacent to number 10 Bulls Bridge Road with associated car parking and refuse storage provision; and ground floor rear extension, rear roof extension, front porch extension and installation of 4 no. roof lights to front roof slopes of address 10-12 Bulls Bridge Road, Southall UB2 5LU in accordance with the terms of the application, Ref 183720FUL, dated 2 August 2018, subject to the conditions attached Schedule to this decision.

Main Issues

2. It is considered that the main issues are the effects of the proposed development on (a) the living conditions of the occupiers of 8 Bulls Bridge Road and (b) the living standards for the future occupiers.

Reasons

Living Conditions of the Occupiers of 8 Bulls Bridge Road

3. The proposed development includes the erection of 2 dwellings within a side garden between 8 and 10 Bulls Bridge Road. The appeal scheme also includes single storey rear extensions, which would substantially replace existing additions, and additions to the roofs.
4. Reference has been made by the appellants to a similar scheme approved by the Council at No. 18 (Ref 170261HH). Limited details of the other scheme have been provided but I was able to view the completed development during the site visit. From what was observed the differences between this other

scheme and the proposed development, in respect of the relationship to adjoining properties, is not materially different. Although this appeal is required to be assessed on its own circumstances, because of the similarities significant weight is given to this other scheme in the determination of this appeal.

5. A 2-storey flank wall would be erected about 3 metres away from the shared boundary with No. 8. Adjacent to the shared boundary within the curtilage of No. 8 is a parking space fronting the road and an amenity area. The main dwelling of No. 8 is sited away from the shared boundary and, from what could be observed, the windows facing towards the appeal site are associated with a mix of habitable and non-habitable rooms. The occupier of No. 8 has referred to there being openings for a kitchen/diner and a hall.
6. There would be an outlook from the garden and the side windows of No. 8 towards the proposed flank wall. However, there would be a sufficient separation distance between the windows of No. 8 and the flank wall of the proposed development so as not to cause unacceptable harm by reason of outlook and the appeal scheme appearing visually dominant. This would reflect the relationship between the windows of No. 16 and the recently erected dwelling at No. 18.
7. There would also be an outlook from the garden of No. 8 towards the flank wall outlook. However, because of its siting away from the boundary and the location of the parking spaces of No. 8, the flank wall would not result in significant harm being caused to the neighbouring occupiers by reason of the proposed development being visually dominant. There would be views towards the rear gardens of the proposed dwellings and outwards to the canal to avoid any unacceptable sense of enclosure.
8. By reason of siting and orientation, the proposed development would not materially interfere with levels of daylight and sunlight reaching the side windows of No. 8. Based on the late morning site visit, sunlight would still be able to reach the amenity area of No. 8 for significant part of the day and, by reason of siting and height, would not cause unacceptable overshadowing. Further, in the absence of openings within the proposed flank wall, there would not be overlooking or loss of privacy for the occupiers of No. 8.
9. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 8 Bulls Bridge Road and, as such, it would not conflict with Policy 7B of the Ealing Development Management Development Plan Document (DPD), Policy 1.1(g) of Ealing's Development Strategy Development Plan Document and Policy 7.6 of the London Plan (LP). Amongst other matters these policies require development not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, and to protect communities and neighbourhoods. DPD Policy 2.1(c) is not of direct relevance to this main issue because it relates to strategic issues associated with the Uxbridge Road/Crossrail Corridor. LP Policy 3.5 concerns the quality and design of new development and does not specifically refer to living conditions matters.

Living Standards of Future Occupiers

10. The Council has referred specifically to the claimed inadequacy of the private amenity space for the proposed dwelling identified as No. 9 (rather than No. 10) and not the gardens of other 3 dwellings also included as part of the appeal scheme. DPD Policy 7D and Table 7D.1 combine to require private amenity space to be provided.
11. Reference is made by the appellants to the private open space standard identified in the *Mayor of London's Housing Supplementary Planning Guidance* (SPG). DPD Policy 3.5 is principally concerned with internal space standards but does refer to the SPG. The SPG's standard for private open space is for a minimum of 5sq m for 1 and 2 person dwellings and an extra 1sq m for each additional occupier. The floorplans for the 4 dwellings indicate an intended occupancy of each property by 4 people which would equate to 7sq m.
12. DPD Table 7D.2 refers to the SPG quantitative standards and the accompanying text indicates that an area of 50 sq. m of private garden space per house would be appropriate. However, the amount and form of provision should respond to, amongst other matters, the physical context, respecting the established local character and the pattern of buildings.
13. Measuring the drawings, the size of the proposed amenity space is around the 12.5sq m claimed by the appellants. However, the usable space would be less because of the proposed cycle store would occupy a footprint of around 2.7sq m. Although the appellants have suggested foldable bikes could be used to reduce the size of the cycle store, it would be difficult to draft a suitable condition to ensure future occupiers only used such bicycles. However, although closer to the 9sq m indicated by the Council, the open space provided would still exceed the minimum quantitative standard sought by the SPG and DPD Table 7D.2. There would still be some scope for a marginally larger cycle store if so required.
14. The SPG also refers to the space being of a practical shape and utility with care being taken to ensure the space offers good amenity. I am satisfied that the proposed space can accord with these principles and that the amenity space responds to its context and character of the area with other similarly designed dwellings fronting Bulls Bridge Road not having large or deep rear gardens.
15. Further, as with the Council's assessment of the scheme at No. 18, the adjacent canal towpath would be capable of being used by future occupiers as a recreational walk and there is public open space some 600 metres away. These factors were sufficient for the Council to approve the similar scheme at No. 18 without any private amenity space.
16. For the reasons given, it is concluded that the proposed development would not result in unsatisfactory living standards for future occupiers and, as such, it would not conflict with DPD Policies 7D and 3.5 and the SPG. LP Policy 7.6 is not directly relevant to the size of private amenity areas.

Other Matters

17. Although the comments of a neighbouring occupier have been noted and carefully considered, there are no reasons for me to disagree with the Council concerning the design of the proposed dwellings no being out of character with the other dwellings along the north side of the canal. Further, the appeal

scheme would not represent an overdevelopment of the site, particularly where other dwellings have been enlarged to occupy a substantial part of their curtilages and the scheme at No. 18 has been erected.

18. For the same design reasons, there would not be a detrimental effect of the setting and heritage significance of the Canalside Conservation Area. The Conservation Area would remain fronted by small terraced dwellings similar in design and scale to what exists. A condition to secure the use of similar external materials to those of the existing properties would be appropriate to ensure the appeal scheme is assimilated into the frontage of the canal.
19. Although raised as a concern by a local resident, there is no indication that the Highway Authority were concerned about the level of car parking proposed. There are no reasons to disagree with this assessment.

Conditions

20. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. These conditions have been amended where appropriate for reasons of precision or clarity. A condition requiring the development to be constructed in accordance with the approved drawings is necessary to define the scheme. For the reasons already give, a condition is required to secure the use of matching external materials.
21. In the interests of proper planning, conditions are necessary to secure the secure storage of bicycles and the provision of refuse and recycling facilities. Conditions to restrict permitted development for dwelling houses should only be used exceptionally. In this case, because of the nature of the scheme, in particularly the extent of the private amenity spaces and the relationship with No. 8, a condition restricting alterations to the existing and new dwellings, together with preclusion of erecting incidental buildings, is necessary.

Conclusion

22. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan; 573 – 01; 573 – 02; 573 – 03; 573 – 04; 573 – 05; 573 – 06; 573 – 07; 573 – 08; 573 – 09; 573 – 10; 573 – 11; 573 – 12; 573 – 13 and 573 – 14.

- 3) Notwithstanding details shown on the approved plans, the external materials to be used in the development hereby approved shall match the appearance of those of the existing buildings.
- 4) Prior to the occupation of the new dwellings hereby approved, refuse and recycling storage identified on Drawing No. 573 – 07 shall be provided and shall be retained for such use thereafter.
- 5) Notwithstanding the details shown on the submitted plans and prior to first occupation of the new dwellings hereby approved, secure and sheltered cycle storage for 2 adult bicycles (not foldable) shall be provided for each new dwelling and shall remain available for the storage of bicycles.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (or any other order revoking and re-enacting that order, with or without modifications), other than those hereby approved no extensions, enlargements or improvements to the dwellings, including alterations to roofs, shall be erected and, other than those hereby approved, no buildings incidental to the enjoyment a dwelling shall be erected within the curtilage of any dwelling.