



Appeal Decision

Site visit made on 10 September 2019

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2019

Appeal Ref: APP/A5270/W/19/3231891

25 Greenford Avenue, Hanwell W7 1LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Alawalia against the Council of the London Borough of Ealing.
 - The application Ref 190329FUL, is dated 4 December 2018.
 - The development proposed is described as backland development consisting of one 1-bedroom flat and one 2-bedroom flat.
-

Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matters

2. The Council failed to determine the application. However, in its Statement the Council advises that it would have refused the application due to the proposal being out of keeping with the character of the surrounding area and the living conditions for future occupiers being sub-standard.

Main Issues

3. Bearing in mind the Council's notional reasons for refusal, the main issues are:
 - the effect of the proposed development on the character and appearance of the area, and
 - whether the development would provide a reasonable standard of living conditions for future occupiers.

Reasons

Character and Appearance

4. The site is located partly to the rear of 25 Greenford Avenue, partly to the rear of 27 Greenford Avenue and to the side of 5 Milton Road. The site is currently used for parking cars, with access off Milton Road, and has been sub-divided from No 25 with the erection of a fence. The surrounding area is predominantly residential, as such the principle of the proposal is acceptable.
5. The proposed building would front Milton Road, which is similar to the surrounding residential streets and comprises mainly of traditional two-storey, terraced dwellings with dual-pitched roofs and gable bay windows projecting off the front elevation. The properties have fairly-well defined frontages and

- relatively deep rear gardens. The predominant pattern of development is that of a traditional grid layout. A small number of two-storey, semi-detached dwellings have been added to the street. Car parking is mainly on-street.
6. The proposed building would contrast in numerous ways with other dwellings in the area, with the contrast being emphasised by its difference to the properties that it would be sited between. The building would be read as an extension to the terraced properties on the northern side of Milton Road
 7. The proposed building would have a flat roof and an irregular front elevation that would project beyond the two-storey elevations of the properties either side of it. Due to the flat roof design, the building would sit well below the main ridge line of adjacent properties and the parapet would extend above the eaves heights of the neighbouring dwellings. It would have comparatively small window openings, external terraces at first-floor level fronting the street and the external finishes would be grey brick, grey timber cladding and grey metal capping to the flat roof. Except for a new development of flats on the corner opposite the site, which has some dark grey clad panels on elevations, the external materials of dwellings in the area are a mix of red and buff brick, render and hung tiles with tiled roofs.
 8. The extent of outdoor amenity space would be substantially smaller than that of most other dwellings in the area. The existing outdoor amenity space of No 27 would be significantly reduced and, given the loss of the car parking area, the resultant outdoor amenity space associated with No 25 would be very small. As such, the proposal would result in a density of development that would erode the pattern of development of the surrounding area.
 9. Hence, the combination of siting, design, size, detailing and external materials would result in a building that would be incongruous in, out of keeping with and consequently harmful to the street scene. The sub-division of the plots would result in a pattern of development that would also be out of keeping with the prevailing pattern of development.
 10. I have noted the recent development of flats opposite the site, which has some features that differ to those of the residential properties in the surrounding area. However, that site is a much larger site than the appeal site, located at the end of, and between, Milton Road and Tennyson Road and extending to the boundary with Greenford Avenue. Such factors allow variation to the predominant surrounding pattern of development, design detailing and finishing materials.
 11. Due to the reasons outlined above, I conclude that the proposed development would have a detrimental impact on the character and appearance of the area. Thus, the proposal would not accord with policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013 (EDMDPD), 3.5 and 7.6 of the London Plan (LP) or paragraph 127 of the National Planning Policy Framework (the Framework) which collectively, and amongst other things, seek to ensure developments are of a high quality, visually attractive, take account of and are sympathetic to local character and complement existing building patterns, scale and materials.

Living Conditions for Future Occupiers

12. The proposed building would provide 2 residential units, one a 1-bedroom 2-person unit and the other a 2-bedroom 3-person unit. The overall internal floor areas and bedroom sizes would accord with the space standards outlined in the Technical Housing Standards - Nationally Described Space Standard 2015 (NDSS), adopted within development plan policies 3.5 of the EDMDPD and 3.5 of the LP.
13. Both properties would have open-plan living/dining/kitchen areas on the ground-floor. The only windows for these rooms would be sited on the rear elevation, and around 1.3 m and 2.7 m respectively away from a boundary fence between the rear of the site and land of a neighbouring property. Hence, the only outlook from the main habitable rooms would be directly onto a fence located at very close quarters.
14. The windows for all the bedrooms would face Milton Road. As such, I consider the outlook from the bedrooms to be acceptable. However, given the close proximity of the ground-floor bedroom window for bedroom 2, unit 2, to the footpath, I consider the level of privacy afforded this room would be below a reasonable standard, due to members of the public being able to look into the room from a close range.
15. The outdoor space for unit 1 would comprise the first-floor terrace, covering an area of approximately 9 sqm, and an area a little less than this to the rear of the property. The outdoor space for unit 2 would comprise a first-floor terrace of approximately 8 sqm and an area to the rear of the property approximately 3 x larger.
16. Policy 7D of the EDMDPD requires new residential development to provide a minimum of 5 sqm garden space per 1-2-person unit with an extra 1 sqm per additional occupants. Hence, at minimum, unit 1 would require 5 sqm and unit 2 would require 6 sqm. However, the policy states that, in respect of flats, in addition to a private balcony or garden, a communal area should be provided of a size that would accommodate the need for recreation and landscaping. Such provision should respond to the physical context and respect local character. The area would typically amount to 15 sqm per flat and the space must be fit for purpose and, amongst other things, not be overshadowed and safeguard the amenities of future occupiers.
17. Bearing the above figures in mind, the overall area for unit 1 would fall below that typically sought by Policy 7D of the EDMDPD and would not respect the character of generally deep rear gardens. Furthermore, it would also be very narrow and, given the orientation of the building, which faces north at the rear, and its close proximity to neighbouring properties, the rear outdoor space for both units would be in shadow most of the time.
18. Consequently, I consider that the proposed outdoor amenity areas for both units would, overall, not be sufficiently private or provide sufficient, suitable outdoor space which future occupiers could reasonably enjoy for recreational purposes.
19. Notwithstanding my conclusions about the overall internal floor areas and bedroom sizes, I conclude that these matters are outweighed by the significant harm that the proposed development would cause as it would not provide a reasonable standard of living conditions for future occupiers in terms of outlook, privacy and outdoor space. Consequently, the proposal would not

accord with policies 3.5, 7B and 7D of the EDMDPD, 3.5 and 7.6 of the LP, or paragraph 127 of the Framework, which collectively, and amongst other things, seek to ensure developments achieve high standards of amenity for future occupiers, as well as existing users, which includes outlook, privacy levels and suitable outdoor space, not just the extent of the space but also its functionality.

Other Matters

20. The Council has not raised any concerns regarding the living conditions of existing neighbouring occupiers, nor has it raised any concerns in respect of highway safety, subject to securing parking permits. I have no evidence before me that would lead me to a different conclusion on these matters. The Council has suggested that the proposal may affect future development at No 27. However, this is not a consideration of this appeal. Any forthcoming applications for No 27 would have to be dealt with on merit at such point in time.
21. The appellant has expressed concerns regarding communication with Council Officers and the process of appraising the application, and the comments provided by the Council in its Statement, due to one Officer providing positive feedback following submission of amended plans and another, Senior Officer, ultimately considering the proposal to be unacceptable. This is a matter that cannot be dealt with as part of this s78 appeal but one which the appellant could probably seek to address via the Council's complaints procedure.

Conclusion

22. For the reasons provided above, the appeal is dismissed.

J Williamson
INSPECTOR