
Appeal Decision

Site visit made on 9 September 2019

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2019

Appeal Ref: APP/A5270/W/19/3232520

15 Boston Parade, Boston Road, Hanwell W7 2DG

- 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 Z Chohan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 185785FUL, dated 13 December 2018, was refused by notice dated 29 April 2019.
 - The development proposed is a flat conversion - extensions and loft conversion with balconies and rooflights retaining existing retail unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal decision are:
 - The effect of the proposed development upon the character and appearance of the area;
 - The effect of the proposed development on the living conditions of the occupants of No.16 Boston Parade, with reference to privacy; and
 - Whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook, daylight and privacy.

Reasons

Character and appearance

3. The appeal site is within a predominantly commercial area with residential accommodation situated above premises. The proposed development would involve extensions and alterations to the rear of the premises to facilitate three self-contained residential flats on each floor. The ground floor would be altered, reducing the retail space, whilst the first floor would be extended over the existing outrigger with the creation of a garden roof and the second floor would be extended from the existing rear roof slope to a substantial depth over the outrigger including a balcony area.
4. I observed during my site visit that there were several first-floor extensions and additions including roof alterations, characterised by flat roofs. The proposed sections do not clearly show the extent of the roof form and there are

no clear side elevations, but the floor and rear elevation plans clearly show the extent of the proposed development. Therefore, I would agree with the Council that the first-floor extension, if in isolation would be seen in context to those nearby properties which have been extended and would therefore not cause harm to the character and appearance of the area.

5. However, the extension at second floor level would be overly large with its projection over the outrigger and would dominate the overall roof space. This combined with the introduction of the pitched roof form and balcony area would not be good design. It would be an incongruous addition along the rear of the host property, out of character with existing nearby roof additions and would impact on the appearance of the wider street scene.
6. For the reasons given above I conclude that the second-floor extension would cause harm to the character and appearance of the host building and wider area and would be contrary to Policies 7.4 and 7B of the Ealing Development Management, Development Plan Document (DMDPD), 2013, and Policies 7.4 and 7.6 of The London Plan (LP), 2016, taken together these policies ensure new development is high quality architecture and design, makes a positive visual impact and should complement local character.

Living conditions of existing occupants

7. The proposed development would include an extension and the creation of a garden roof area at first floor level. No. 16 Boston Parade adjoins the site and consists of a window at first floor level positioned within its outrigger. Although the proposed extension would increase the depth of the first floor, the gap between the two properties at first floor would ensure that there would be no overlooking or overbearing impacts of the development in this regard. However, the inclusion of a roof garden, which would span the full width of the outrigger and be positioned directly along the boundary would cause significant overlooking into the window opening at No. 16 by anybody using the roof garden, causing harm to the existing privacy levels currently enjoyed by that occupier.
8. For the reasons given above, I conclude that the proposed development would cause significant harm to the living conditions of the occupants of No. 16 Boston Parade and would be contrary to Policies 7.4 and 7B of the Ealing DMDPD, 2013, and Policies 7.4 and 7.6 of the LP, 2016, taken together these policies ensure new development is appropriate to its surroundings and provides good levels of privacy and not cause harm to the amenity of surrounding land and buildings.

Living conditions for future occupiers

9. The proposed development would create two additional residential flats, whilst the first floor flat would be extended. These are referred to as 'Flat A' on the ground floor, 'Flat B' on the first floor and 'Flat C' on the second floor and for clarification I will refer to these individually.
10. Flat A would have a gross internal floor area (GIA) of 62sqm and would meet the guidance contained within the Technical housing standards – nationally described space standard (THS) for a 2-bedroom(b) / 3-person(p) 1 storey dwelling. Each of the habitable rooms would be served by two windows, these would be small openings and would therefore restrict the amount of natural

light going into the rooms. Both the kitchen and living area openings directly face onto brick walls which serve the adjoining property and provides access as a walkway between the two buildings. This would further restrict the amount of daylight serving the rooms and would result in a view that was overbearing, opposing and creating a bleak outlook for any future occupier, whilst anybody accessing the walkway would directly see into each window resulting in loss of privacy to these rooms.

11. Furthermore, the position of the bedroom windows of 'Flat A' would be located directly facing the proposed parking area, servicing lane, communal cycle storage and bin storage. This would not be an ideal situation and any future occupier would be directly overlooked by anybody utilising these areas, thus reducing any privacy within the bedroom areas. It would also likely result in noise and disturbance for the bedrooms when these areas are utilised as a communal area.
12. Flat B would have a GIA of 61.8sqm, which would not meet the minimum THS for 2b/4p 1 storey dwelling, however this is an improvement than the existing first floor accommodation, which only shows 58sqm without any external area. As such, although not an ideal scenario it would be acceptable as the existing space would be extended.
13. Flat C would have a GIA of 42sqm and meets the THS standards for a studio flat with shower room and the standards for head heights within habitable space as the headroom is 1.5m or above. However, the THS states that '*the minimum floor to ceiling height is 2.3m for at least 75% of the Gross Internal Area*'. The Council argue that only 16sqm / 38% would have this due to the height and roof design restriction of the extension. Therefore, it would not meet the 75% requirement from the THS and would result in reduced floor to ceiling heights in the majority of the flat to the detriment of living conditions of any future occupiers. Furthermore, the open plan areas of the sleeping and kitchen area would be served by only two rooflights, although glazing is proposed to the adjoining balcony area, the lack of openings serving habitable rooms in 'Flat C' would result in limited natural light including daylight, resulting in dark and dingy residential accommodation to the detriment of living conditions of future occupiers.
14. For the reasons given above I conclude that the proposed development would provide unacceptable living conditions for future occupiers and would be contrary to Policies 3.5, 7.4 and 7B of the Ealing DMDPD, 2013, and Policies 3.5, 7.4 and 7.6 of the LP, 2016, taken together these policies ensure housing developments should be of the highest quality internally, externally and in relation to their context; new development should reflect minimum space standards; have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose and provide good levels of daylight, sunlight and privacy. It would also not meet the technical requirements within the THS – Nationally described space standards.

Other Matters

15. I have considered the Council's concerns about the lawful use of the ground floor flat. However, I must deal with the proposal on its merits on the basis of what is proposed. If such development or use has occurred without the necessary planning permission the Council would be able to consider taking enforcement action.

16. The Council has advised that the proposed waste storage arrangement would not be acceptable due to the impact on the existing commercial premises including access and walking distance from the front of the premises to service this. Although this may be the case, I have seen no evidence to support the Council's concern and it is therefore not a main issue in the determination of this appeal.
17. The appellant has referred to other developments, in particular to 48 North Road, Southall. However, I do not have full details of this scheme and so cannot be certain that the circumstances are the same in terms of location, use and development plan policy. In any case I have considered the appeal proposal on its own merits.
18. I recognise the appeal proposal would have benefits with regard to the supply of housing in the Borough, be within a sustainable location and the contribution any future occupiers would make to the local economy. These matters, however, do not outweigh my findings above in respect of the main issues and the conflict I have found with the development plan.

Conclusion

19. Having regard to all matters raised, I conclude that the appeal should be dismissed.

KA Taylor

INSPECTOR