
Appeal Decision

Site visit made on 23 September 2019

by S Hunt BA (Hons) MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 19 November 2019

Appeal Ref: APP/A5270/W/19/3228518
108-110 Church Road, Northolt UB5 5AE

- 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 Devji Meghani against the decision of the Council of the London Borough of Ealing.
 - The application Ref 184096FUL, dated 31 August 2018, was refused by notice dated 13 November 2018.
 - The development proposed is a courtyard development of five one bedroom apartments in a disused car park to the rear of 108-110 Church Road, Northolt.
-

1. This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 21 October 2019.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The site address is stated on the application form as 110 Church Road. The appeal form, decision notice and other appeal documents state the address as 108-110 Church Road. This has been included in the appellant's description of the development and more accurately describes the location of the appeal site, therefore I have dealt with the appeal on this basis.

Main Issues

4. The main issues are :
 - The effect of the proposed development on the character and appearance of the site and the surrounding area; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular reference to outlook and privacy.

Reasons

Character and Appearance

5. The site lies in a mixed commercial and residential area off Church Road in Northolt. It is currently a disused car park, accessed via a passage underneath a modern flat roofed block of flats situated over a retail unit fronting Church

Road. The prevailing form of development in the area comprises frontage development of largely traditional mid 20th century properties with reasonably sized curtilages, together with parades of retail and commercial units. The site slopes gently downwards towards the rear of the flats, which have stairway access via the passage. There is a retail warehouse and yard immediately adjacent to the site with a large brick and sheet metal building forming the side boundary here. The remaining boundaries of the site are formed by the garden walls and fences of two storey semi-detached dwellings along Alderney Gardens.

6. A three storey flat roofed apartment block of contemporary design is proposed, adjoining the adjacent warehouse buildings. The submitted sections show that ground levels would be reduced and levelled so that the overall height would be akin to the apartment block on Church Road. The ground floor would sit slightly below that of the neighbouring warehouses, but despite this proposed reduction in levels, the height of the apartment block would exceed the highest point of the warehouses by several metres.
7. In my view the 3 storey building would be of such a scale and massing that it would distinctly jar with its surroundings, in particular with the two storey dwellings on Alderney Gardens. I acknowledge attempts have been made to reduce the impact on the surrounding area through the design of the building, and a mixed palette of materials. However in my view this would provide inadequate relief from its massing.
8. There is some dispute between the parties regarding density calculations set against the matrix in Policy 3.4 of the adopted London Plan 2016. Regardless of how it may be calculated I find the building would appear cramped within the site and consequently would adversely affect its character and appearance.
9. Whilst I do not find the contemporary design of the building by itself objectionable, I do not accept the view that planning permission should be granted because the proposals would improve the façade of the existing warehouse buildings. Whilst the flank walls of the warehouses have a plain and functional appearance, they do not result in any direct harm to the character and appearance of the area.
10. 'Backland' development would not necessarily be out of keeping with the prevailing form of development in the area subject to design, context and proximity to adjoining properties, and I note the examples given by the appellant of other 'backland' developments nearby. Nonetheless, I find that the three storey height, scale and bulk of the development would appear cramped and dominate this confined space in close proximity to neighbouring boundaries.
11. I conclude the proposed development would have a harmful effect on the character and appearance of the site and the surrounding area, contrary to Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013 (DM DPD), and Policy 7.6 of the London Plan 2016 which require development proposals to complement existing local character and to be of a scale and design appropriate to its context.
12. The proposals would also be contrary to the principles of achieving well designed places set out in Section 12 of the National Planning Policy Framework (the Framework).

Living Conditions

13. The appeal site is in close proximity to numerous existing dwellings. The scale of the proposed development and proximity to boundaries would not only harm the character and appearance of the site and surrounding area; in turn it would also have a significant effect on the living conditions of neighbouring occupiers. I viewed the site from an existing flat at 110 Church Road, and a property on Alderney Gardens which backs onto the site.
14. The neighbours currently have clear views over the existing car park, which provides some relief and separation from the warehouse buildings beyond. The proposed three storey building would be noticeably higher than the existing warehouses, and closer to residential dwellings. It would appear dominant from the rear windows and gardens of adjoining dwellings on Alderney Gardens and flats at 110 Church Road, resulting in a sense of enclosure which would have a harmful oppressive effect on their outlook.
15. I note the appellant's efforts to minimise overlooking by the design of the windows and use of opaque glazing, and I accept that some boundaries are better screened than others either by outbuildings or vegetation. I have also had regard to a nearby approved scheme put forward by the appellant with similar angled windows.
16. Angled windows can be a useful method of reducing overlooking on constrained sites. However on this particular site the height of the building, large expanses of glass and proximity to garden boundaries means that there would be some views from upper floors over the gardens of adjoining dwellings. Consequently, this would result in a loss of privacy that is currently enjoyed by surrounding occupiers. I do not consider that planting of trees would sufficiently mitigate these effects.
17. Whilst there would be some overshadowing to rear gardens of some of the houses on Alderney Gardens, this factor alone this would not justify withholding planning permission. However in combination with the enclosure and overlooking effects to existing dwellings I find overall harm to living conditions.
18. I conclude that the proposed development would unacceptably harm the living conditions of neighbouring occupiers, particularly in terms of their outlook and privacy. It would conflict with Policy 7B of the Ealing DM DPD which requires new development to achieve good levels of privacy and to not impair the visual amenity of surrounding uses, and Policy 7.6 of the London Plan which at part d) requires buildings to not cause unacceptable harm to the amenity of surrounding buildings in relation to privacy and other matters. The proposals would also be at odds with the aims of paragraph 127 (f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

19. The future occupation of the proposed flats would assist in natural surveillance of the site and immediate surroundings, however there is no evidence before me that security or crime is a particular issue that the proposals would address. In any case, this would not outweigh the harm I have identified.
20. Notwithstanding that the Borough can currently demonstrate a five year supply of housing, the proposals would make a small contribution to increasing the

housing supply in the area, and would make efficient use of previously developed land in an accessible location. Whilst Policy H2A of the emerging draft London Plan supports development of small sites under 0.25ha, it has been demonstrated that the development would give rise to an unacceptable level of harm that outweighs the benefits of additional housing provision.

Conclusion

21. The appeal is dismissed.

S Hunt

INSPECTOR