
Appeal Decision

Site visit made on 26 November 2019

by M Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 January 2020

Appeal Ref: APP/A5270/W/19/3236302
43 Ruislip Road, Greenford UB6 9QD

- 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 S Sekhon against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192653FUL, dated 7 June 2019, was refused by notice dated 29 July 2019.
 - The development proposed is described as "Previous planning approval for 9 Flats (172444FUL) the proposal to add another level retaining 9 flats".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. During the appeal, the appellant has submitted details of an amended scheme which seeks to address one of the reasons for refusal of the planning application, in respect of the internal accommodation. Following further comments, it would appear that those details were part of a revised scheme, submitted to the Council under a separate planning application. For the avoidance of doubt, I have considered this appeal on the basis of the plans on which the Council based its decision on the application which is the subject of this appeal.
3. The second reason for refusal references the incorrect policies. The Council has clarified this matter and provided the correct policies. The appellant has been given the opportunity to comment on this and as such there would be no prejudice in me considering the appeal in light of the policies now provided by the Council.

Main Issues

4. The main issues raised in this case are the effect of the proposal on:
 - The character and appearance of the area, and
 - The living conditions of occupiers of the proposed development, with particular regard to internal floor area and ceiling height.

Reasons

Character and appearance

5. The appeal site comprises a partially constructed building and is located along a predominantly residential street. The properties within the immediate vicinity of the site are residential dwellings, typically semi-detached and terraced properties, however there are a small number of detached properties present. Buildings are

generally two-storey in height. Notwithstanding that there are examples of three-storey buildings present within the wider area, there is a consistency in the height of buildings when viewed from the road.

6. The proposed building would extend to a height approximately 1.63 metres above that of the immediately neighbouring property. In addition to this, the eaves level of the proposed building would be considerably higher than that of the other buildings in the area. As a consequence, the proposal would appear as an overly large and dominant feature in the streetscene. It would have a discordant appearance, out of scale with the dwellings present nearby.
7. Thus, given the two-storey height of the buildings within the immediate vicinity, the proposal would have a bulky appearance that would not relate or integrate well with the prevailing scale of buildings in the area. I acknowledge that permission already exists on the site for the construction of a building containing flats, however this would be of a noticeably lower height than that which is now proposed. This does not therefore allay my concern as outlined above.
8. The appellant refers to other developments within the area which are taller than neighbouring buildings. Whilst I observed the presence of these, they were not common features. Furthermore, where present they were clearly distinguishable, and viewed apart, from the regimented layout of surrounding dwellings. They therefore integrate acceptably within the streetscene. As I have identified above, the proposed scheme would be a discordant feature and as such the presence of other taller buildings is not in this case a reason to allow the proposed development.
9. Accordingly, I find that the scheme would be harmful to the character and appearance of the area, in conflict with policies 7.4 and 7B of the Ealing Development Management – Development Plan Document (2013) (the DM-DPD) and policies 7.4 and 7.6 of the London Plan (2016). Together, and amongst other things, these seek to ensure development complements local character in terms of scale, that development achieves a high standard of design with regard to visual impact, that development has regard to the pattern of development, including scale, and buildings are of a scale that enhances the public realm. The scheme would also conflict with the design aims of the National Planning Policy Framework.

Living Conditions

10. Flats G and I would be located over the second floor and loft level, with each providing two bedrooms. The Council states that, in accordance with the Technical Housing Standards – Nationally Described Space Standards document (the NDSS), each of these flats should provide a floorspace of 79 square metres (sqm). The appellant has not disputed this. However, the submitted details show that Flat G would provide a floorspace of 78 sqm and Flat I a floorspace of 77 sqm. The scheme would therefore fail to accord with this minimum floor space requirement.
11. THE NDSS also requires that there be a minimum ceiling height of 2.3 metres for at least 75% of the internal area of units. The Council states that the second-floor level has a ceiling height of 2.2m and the loft level has a ceiling height of 2.3m, albeit that part of the height at loft level would be limited by the plane of the roof. As a consequence, the units over the second floor and loft level (Flats G, H and I) would not meet this minimum requirement. This, coupled with the deficiency in floorspace over Flats G and I as identified above, would result in a substandard quality of accommodation and therefore unacceptable living conditions for the occupiers of these units.

12. There is reference made by the appellant to an updated plan showing a ceiling height of 2.3m to all levels. Even if this were the case, the minimum floor space requirement as set out above, would still not be met.
13. Accordingly, the proposal would conflict with policies 3.5 and 7B of the DM-DPD and policies 3.5 and 7.6 of the London Plan. Together, and amongst other things, these policies seek to ensure quality of design in housing development with regard to space standards, that development achieves a high standard of amenity for users, that minimum space standards are achieved and that high-quality indoor spaces are provided. The scheme would also conflict with the guidance of the London Plan – Housing Supplementary Planning Guidance and the Technical housing standards – nationally described space standard.

Other Matters

14. There is reference to the proposed development on the neighbouring site and that there was an intention that both schemes should be considered together. However, I have only the appeal scheme before me and for the reasons above I find that it would relate poorly to the existing neighbouring properties. As such, this matter has little bearing on my decision.

Conclusion

15. For the reasons given above and having regard to all matters raised, I conclude that the appeal should be dismissed.

Martin Allen

INSPECTOR