
Appeal Decision

Site visit made on 9 December 2019

by Andrew Bremford BSc (Hons) MRICS

an Inspector appointed by the Secretary of State

Decision date: 17 January 2020

Appeal Ref: APP/A5270/W/19/3237957

134 Horsenden Lane South, Perivale UB6 7NT

- 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 Timothy O'Toole against the decision of the Council of the London Borough of Ealing.
 - The application Ref 185889FUL, dated 11 December 2018, was refused by notice dated 2 August 2019.
 - The development proposed is conversion of residential property to three flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's refusal notice refers to the effect of the development on the character and appearance of the area. It also refers to the effect of the development on the living conditions of future occupiers in terms of "*inadequate GIA of the second floor flat*" and "*compromised privacy for the first and ground floor flats*".
3. In respect of the latter issue it is clear from the evidence before me, including the Council's officer report and appeal statement that in respect of inadequate gross internal area (GIA) this relates not to the second floor flat but to the first floor flat. Moreover, it is clear from reading the Council's officer report that in respect of compromised privacy this relates to the two bedroom windows in the front elevation of the proposed ground floor flat and the rear balcony of the proposed first floor flat.
4. Therefore, the main issues are (i) the effect of the proposal upon the character and appearance of the area; and (ii) whether adequate living conditions would be provided for future occupiers of the proposed first floor flat in respect of internal space and privacy and the proposed ground floor flat in respect of privacy.

Reasons

Character and appearance

5. The appeal site comprises an end-of-terrace two-storey property positioned on a prominent corner plot at the junction of Horsenden Lane South and Buckingham Avenue. The property is set back behind a deep grass verge to the side and front of the site. The area is residential in character and is

generally defined by terraced rows of properties and blocks of flats. There is a general consistency in the size and design of properties and the size of their respective plots within individual terraced rows, which creates a strong pattern of development, to which the appeal site makes a positive contribution towards.

6. The rear and side garden of the property is enclosed by tall timber fencing and brick walls with gated access. To the rear of the plot is a driveway and garage which are accessed from a road off Buckingham Avenue. Notwithstanding the presence of scattered trees, some of which are mature and large, within the grass verge to the side of the plot, the property is particularly visible within the street scene with its flank elevation facing towards Buckingham Avenue.
7. The proposal would convert the single dwelling into three self-contained flats over three floors by the erection of a three-storey side and rear extension, a single-storey rear extension and a rear roof extension. The plot would be subdivided to provide separate gardens for two of the proposed flats. The appellant says the proposal, which seeks to overcome the reasons for refusal of a previous planning application¹, incorporates changes including the reduction in height of the side extension by reducing the ground level and the removal of the front dormer.
8. The proposed three-storey side and rear extension would be positioned in part of the side garden of the host property and would be approximately 4.2 metres wide and 8.1 metres in depth at ground floor level; at first and second floor level it would be approximately 6.3 metres in depth. It would also extend approximately 4.0 metres beyond the rear elevation of the host property at ground floor level as would the proposed single-storey ground floor rear extension. Considering that the existing two-storey dwelling is approximately 4.3 metres wide and 10.1 metres in depth, notwithstanding that the roof ridge height of the proposed extension would be lower than that of the existing dwelling by approximately 0.51 metres, the scale, height and position of the proposal would be such that it would not appear as a subservient addition to the host property.
9. By virtue of its size the proposed dormer forming the rear roof extension of the host property would occupy nearly all of the rear roof slope. In combination with the height and sheer size of the proposed three-storey extension, which would also include a rear dormer, the proposal would represent an unduly dominant and incongruous form of development that would envelop the plot. The proposed extensions, by virtue of their overall size and position, would not relate well to the host building or adjoining terraced properties. Thus, the development would be significantly at odds with the prevailing pattern of development in the area.
10. As a result of reducing the existing ground level there would be a noticeable difference in the level of the windows in the front and rear elevations of the development compared to those in the host property and adjoining properties in the terrace. Furthermore, the front elevation of the proposed side extension would appear as a solid frontage three-storeys in height. Despite it being set well back from the front elevation of the host property and the public footpath, notwithstanding that the design and size of the proposed windows would be similar to those of the host property, the difference in the level of the windows

¹ Reference: 182699FUL

and the solid frontage three-storeys in height would not be in keeping with the generally uniform design of the adjoining terraced properties.

11. For the collective reasons outlined above, the proposal, by virtue of its height, overall size, siting and design, would be a discordant feature at odds with the predominant pattern of development in the immediate surrounding area and generally uniform design of the adjoining terraced properties. Although it would be partially screened by trees, due to the generally open layout of development in the area and the prominent corner position of the site, the proposal would be clearly visible from the public domain. Thus, it would be significantly harmful to the character and appearance of the surrounding area.
12. The appellant points out that the terraced row of properties has already been unbalanced by the addition of a side extension to its southern flank. However, the side extension is not directly comparable in so far that it is single-storey and differs in design to the proposed development. He also points out that there are many dormer extensions visible in prominent positions facing towards Horsenden Lane South and cites other side extensions and dormer additions visible within the surrounding street scene. I have taken these developments into account in terms of any influence on the character and appearance of the area so far as I am able to based on the information before me. I am not aware of the full circumstances which led to these developments being built. In any event, the existence of the referenced developments does not alter my view that the proposal would be harmful to the character and appearance of the area.
13. Consequently, for the above reasons, I conclude that the proposal would not accord with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) (DMDPD); Policies 7.4 and 7.6 of the London Plan (2016) (LP), and chapter 12 of the National Planning Policy Framework (the Framework) which, amongst other things, seek to ensure that the design of development proposals have an acceptable appearance and complement local character in terms of scale and building pattern.

Living conditions

14. The appellant has stated that the proposed first floor flat, which would include two bedrooms and accommodation for three persons, would have a gross internal floor area of 62.7 square metres. The Government's nationally described space standard² (NDSS) contains minimum internal space requirements for dwellings, with 61 square metres set as the minimum standard for a two-bedroom, three-person dwelling laid out over one storey. This requirement is applied in a local context within Policy 3.5 of the LP and Policy 3.5 of the DMDPD.
15. The Council has calculated that the proposed first floor flat would have a gross internal area of about 57.3 square metres. Thus, less than the minimum requirement. However, the appellant disputes this figure, arguing that the Council has not included the flight of stairs and void above the stairs in their calculation and when this area is included the proposed first floor flat exceeds the minimum requirement of 61 square metres. The appellant says the NDSS would allow the inclusion of these areas within the calculation of the gross

² Technical housing standards – nationally described space standard, Department for Communities and Local Government, March 2015.

internal area of a dwelling because it states '*The Gross Internal Area of a dwelling is defined as the total floor space measured between the internal faces of perimeter walls that enclose the dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs.*'

16. However, the flight of stairs and void above the stairs referred to by the appellant is not space within the proposed first floor flat, therefore is not space within the internal faces of perimeter walls that enclose the proposed dwelling. The stairs and void above the stairs form part of the communal space; the stairs would provide access to both the first floor and second floor flats of the proposed development. Therefore, on the basis of the plans and evidence before me, I consider that the internal space provision for the proposed first floor flat would not be adequate.
17. Taking into account that the windows serving bedrooms one and two in the front elevation of the proposed ground floor flat would abut public open space, there would be a significant loss of privacy to the future occupiers of the ground floor flat.
18. The submitted plans indicate that the balustrade of the balcony on the rear elevation would be obscurely glazed and thus there would be no significant loss of privacy for future occupiers of the proposed first floor flat in regard to overlooking from the adjoining public open space. Moreover, there would be no significant loss of privacy in regard to the use of their allocated garden space because future occupiers would overlook their own garden space from the balcony.
19. However, although the obscurely glazed balustrade would restrict views of the allocated garden area serving the proposed ground floor flat when future occupiers of the proposed first floor flat use the balcony as a seating area, the same cannot be said when future occupiers are stood on the balcony. I note the appellant's suggestion of erecting a 1.7 metre high privacy screen to the southern side of the balcony to restrict overlooking of the garden area of the neighbouring property, however this would not restrict overlooking from the balcony to the garden area of the proposed ground floor flat. Thus, there would be a significant loss of privacy for future occupiers of the proposed ground floor flat as a result of overlooking their garden space.
20. For the reasons outlined above, although I find no material harm would be caused to the living conditions of the future occupiers of the first floor flat in respect of privacy, I conclude that the proposal would not provide satisfactory living conditions for future occupiers of the first floor flat in regard to internal space and future occupiers of the ground floor flat in respect of privacy.
21. Consequently, the proposed development would not accord with Policies 3.5 and 7B of the DMDPD; Policies 3.5 and 7.6 of the LP, and paragraph 127 f) of the Framework which set out to ensure new development meets prescribed internal space standards and ensures good levels of privacy.
22. The Council has referred to Policy 7D of the DMDPD and Policy 7.4 of the LP in their refusal notice. However, these policies are not directly relevant to living conditions issues.

Other Matters

23. I have taken into account the appellant's intention for the development to accommodate not only himself but also his daughter and three grandchildren, to allow them to live in a modern and safe environment, and his son, to allow him to move back to London from Peterborough. However, these personal circumstances are not sufficient to outweigh the harm that I have identified.
24. The appellant points out that the development would be acceptable as regards to the impact on neighbouring properties, parking and cycle and refuse provision, however these did not feature in the reasons for refusal.
25. I appreciate that the appellant has attempted to overcome the concerns previously raised. However, for the reasons I have outlined, the design amendments would still result in a proposal that would harm the character and appearance of the area and not provide satisfactory living conditions for future occupiers of the first floor flat in regard to internal space and future occupiers of the ground floor flat in respect of privacy. In any event, I have come to my decision based on the appeal proposal alone and not by way of comparison as to whether it is preferred to the earlier proposals.
26. I have considered this appeal proposal on its individual planning merits and none of the other matters raised alter or outweigh my conclusion on the main issues.

Conclusion

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

Andrew Bremford

INSPECTOR