



Appeal Decision

Site visit made on 23 June 2020 by C Brennan BAE (Hons) M.PLAN MIPI

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 July 2020

Appeal Ref: APP/A5270/W/20/3246272

367-369 Greenford Avenue, Hanwell W7 1JJ

- 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 Tomasz Siekierka against the decision of the Council of the London Borough of Ealing.
- The application Ref 192382FUL, dated 29 May 2019, was refused by notice dated 30 August 2019.
- The proposed development is demolition and reconstruction of two dwellinghouses as seven self-contained residential units (5x2 Bed and 2x1 Bed), including construction of basement with front and rear lightwells; including 2x dormers to rear roof slope; provision of amenity space; hard and soft landscaping; cycle and refuse storage; and retention of car parking spaces.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - i) whether the proposed development would provide adequate living conditions for future occupants, with particular regard to light, outlook, noise and private amenity space.
 - ii) the effect of the proposed development on the character and appearance of the site, the surrounding area and the Cuckoo Estate Conservation Area.

Reasons for the Recommendation

Living Conditions of Future Occupants

4. The proposed plans show that both basement level flats would be provided with private amenity space through the lightwells at the front. They would also both be provided with the shared use of a sunken patio to the rear. The shared nature of the sunken patio would be unacceptable, as neither flat would have sufficient privacy. Furthermore, none of the other five proposed flats would be provided with any form of private amenity space. The lack of any adequate private amenity space for the ground floor and upper level flats would clearly
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- conflict with Table 7D.2 of the Development Management Development Plan Document (2013), which states that each 1-2 unit must be provided with a private amenity space of 5sqm, with an additional 1sqm for each additional occupant. Each of the seven proposed flats would lack sufficient private amenity space and so the proposal would be unacceptable on this basis.
5. The appellant indicates that the provision of private amenity space through the division of the rear garden could be secured by condition. However, it is not obvious to me that the rear garden could be appropriately arranged to provide the minimum amount of private amenity space for each of the five flats at ground and upper levels, as well as the required amount of communal private space at roughly 15sqm per flat as per the supporting text of Policy 7D. Given the importance of private amenity space in ensuring high quality living conditions for future occupants, such detail needs to be an integral part of any proposal on this site. Due to the lack of such detail, I consider the proposal to be unacceptable in this regard.
 6. While I accept that the use of balconies would not be permissible given the site's location within the Cuckoo Estate Conservation Area, this does not justify the lack of adequate provision of private amenity space for future occupants. Furthermore, regardless of what was discussed previously on this matter with the Council in pre-application consultations, the proposal would not be acceptable for the reasons set out above.
 7. I note that there are areas of public open space within walking distance of the proposal. However, this does not justify the absence of any detail regarding the provision of private and communal amenity space within the proposed plans.
 8. The appellant states that the proposed development would comply with Policy D4 of the Draft London Plan (2019). However, like Table TD.2 of the Development Management Development Plan Document, Policy D4 states that a minimum of 5sqm of private outdoor space should be required for each 1-2 person dwelling, with an additional 1sqm for each additional occupant. As it is not clear from the proposed plans that such amenity space would be provided, there is no compliance with this emerging policy.
 9. Each of the proposed flats would comply with the minimum space standards as set out within Table 3.3 of the London Plan. Contrary to the appellant's assertion within the design and access statement, the proposed second floor flat would be dual aspect as it would incorporate rear dormers with views to the east and a rooflight with unobstructed views to the west.
 10. Due to the nature of their use, bedrooms are primarily used at night and so the need for natural light is less important than other habitable rooms such as kitchens and living spaces that would be more regularly used through the daytime. I am satisfied that the basement-level bedrooms would receive adequate amounts of light through the front lightwells. Furthermore, while the outlook from these bedrooms would be partially obstructed by a vehicle parked in the adjacent car parking space, I nonetheless consider that the amount of outlook that would be provided to future occupants from these basement-level bedrooms would be acceptable.
 11. Due to the residential nature of the proposed development, I am not convinced that the two front parking spaces would be used so intensively that they would cause harm to the living conditions of the occupants of the basement-level

bedrooms in terms of noise disturbance. I consider that the proposal would be acceptable in this regard.

12. For the above reasons, I conclude that the proposed development would provide adequate living conditions for future occupants with particular regard to light, outlook and noise. However, the proposal would not provide adequate living conditions for future occupants with regards to private amenity space. The proposal would therefore conflict with Policy 3.5 of the London Plan (2016) and Policies 7B and 7D of the Development Management Development Plan Document (2013), which respectively state that proposals should be of the highest quality both internally and externally, provide a high standard of amenity for users and should have regard to the minimum required standards for private and communal amenity space as set out in Table 7D.2. However, I nonetheless accept that the proposal would comply with Policy 3.5 of the Development Management Development Plan Document, in so far as it requires that development proposals must comply with the minimum space standards set out within Table 3.3 of the London Plan. I also accept that, subject to a condition for a noise insulation scheme, the proposal would not erode the amenity of future users of the site through the emission of noise, as required by Policy 7A of the Development Management Development Plan Document.

Character and Appearance

13. The appeal site comprises a pair of two-storey semi-detached dwellinghouses on the eastern side of Greenford Avenue, adjacent to the junction with Cuckoo Dene. The appeal properties form part of a group of six similar semi-detached pairs, each characterised by their hipped roof forms and their predominantly brick material. During my site visit, I observed that there was some architectural variety within the immediate vicinity of the site, with Arts and Crafts style dwellinghouses on the opposite side of the road and flatted developments visible a short distance to the south. The appeal site lies within the Cuckoo Estate Conservation Area, whose special interest is largely derived from its historic street pattern, low-rise scale of development, and terraces and rows of distinctive red brick dwellinghouses.
14. From the street, and within longer views from Cuckoo Dene to the west, the proposed development would appear as an almost like-for-like duplicate of the existing semi-detached pair and would therefore respond positively to the appearance and proportions of the other semi-detached pairs on either side. While the proposed development would have a relatively greater depth to the rear, this additional bulk would remain largely hidden from public views and so would not appear overly prominent when considered as part of this group of semi-detached properties. I also consider that the slope of the proposed roof form would not be so divergent from that of neighbouring properties so as to undermine the visual cohesion of this group of six semi-detached pairs. Furthermore, during my site visit I appreciated that Nos. 357 and 359 have been subject to large two-storey rear extensions and so the footprint of the proposed development would not constitute an overly incongruous addition to the surrounding pattern of development. I therefore consider that the proposed development would not cause any harm to the character or appearance of the site, the surrounding area or the Cuckoo Estate Conservation Area. As such, the proposal would preserve the special interest of the Cuckoo Estate Conservation Area.

15. I appreciated during my site visit that several properties on the opposite side of the road have multiple rooflights within their front roofslopes. As such, I do not consider that a small, singular front rooflight would appear incongruous within the surrounding context. Furthermore, as the Cuckoo Estate Conservation Area Management Plan (2007) does not rule out the acceptability of front rooflights, I find that this element of the proposal would therefore be acceptable.
16. The Council state that the proposal would be unacceptable as it would effectively involve a two-storey rear extension which conflicts with the Cuckoo Estate Conservation Area Management Plan. However, as the proposal would comprise an entirely new-build development, I disagree with this view and find that the guidance would not be applicable in this regard.
17. As the proposed lightwells would be set back from the street, they would not have an especially prominent appearance. The associated glass balustrades would appear as lightweight features and so would have a similarly neutral effect on the character of the surrounding streetscene. Furthermore, as there is no guidance against basement development within the Cuckoo Estate Conservation Area Character Appraisal or Management Plan, I find that the basement element of the proposal would be acceptable.
18. The turning area for the proposed parking on the northern side of the site is already largely in place, so this aspect of the proposal would not be unacceptable. Furthermore, the proposed site plan suggests that the southern side of the front of the site would be used as a front garden, thereby replacing the vehicular driveway in place on this side of the site. Subject to the details of an appropriate landscaping scheme secured through condition, the Council would be able to ensure that the proposed frontage would relate positively to the street.
19. For the above reasons, I conclude that the proposed development would not cause unacceptable harm to the character or appearance of the site, the surrounding area or the Cuckoo Estate Conservation Area. The proposed development would therefore comply with Policy 7.8 of the London Plan, Policy 7C of the Development Management Development Plan Document, and Policy 2.1(c) of the Core Strategy (2012), which state that development proposals must preserve or enhance the special interest of heritage assets. The proposal would also comply with Policies 3.5, 7.1, 7.4 and 7.6 of the London Plan, Policies 7B and 7.4 of the Development Management Development Plan Document and Policies 1.1(g), 1.2(f) and 2.10 of the Core Strategy, which state that proposals must be designed to a high standard and respond positively to the local character of suburban neighbourhoods such as the Uxbridge Road Corridor.
20. The proposed development would therefore comply with Section 16 of the National Planning Policy Framework (2019), which states that great weight should be given to preserving the significance of heritage assets. The proposal would also comply with the Cuckoo Estate Conservation Area Management Plan for the reasons set out above.
21. The proposed development would not cause harm to the significance of the Cuckoo Estate Conservation Area.

Other Matters

22. In the reason for refusal stated within their decision notice, the Council state that the proposal would not provide an adequate number of cycle parking spaces and that the proposal would therefore conflict with Policy 6.3 of the London Plan (2016). However, as the provision of a sheltered cycle parking storage area comprising 12 cycle parking spaces could be secured by condition, this does not warrant refusal of the proposal.

Planning Balance, Conclusion and Recommendation

23. I have found that the proposed development would not be unacceptable in terms of its effect on the character and appearance of the site, the surrounding area and the Cuckoo Estate Conservation Area. I have also found that the proposed development would provide adequate living conditions for future occupants with regards to light, outlook and noise. However, these factors are outweighed by the identified harm that would be caused to the living conditions of future occupants due to the lack of proper provision in private external amenity space.
24. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

25. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR