
Appeal Decision

Site visit made on 23 September 2020

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2020

Appeal Ref: APP/A5270/W/19/3241127

Rear of 22 Osterley Park Road, Southall, Middlesex, UB2 4BN

- 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. Raj Minhas against the decision of the Council of the London Borough of Ealing.
 - The application Ref 193976FUL, dated 12 September 2019, was refused by notice dated 7 November 2019.
 - The development proposed is new build two storey house with on site amenity.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council refers to Policy 7A of the Ealing Development Management DPD 2013 in its second reason for refusal. This refers to air quality emissions. From my assessment of the appeal scheme it is unclear how the proposals would impact on this matter. Accordingly, when assessing the scheme against adopted policy, I have only referred to policy 7B and 7D of the DPD.

Main Issues

3. The effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of occupiers of the flats at 22 Osterley Park Road through enclosure and loss of private amenity space, and
 - the living conditions of future occupants of the proposed scheme with reference to the quality of private amenity space.

Reasons

Character and appearance

4. The appeal site lies in a residential area with no distinguishable character. The proposed scheme would occupy a small plot of land to the rear of 22 Osterley Park Road and a vehicular access serving a small block of flats on Grosvenor Road. The scheme has been designed to minimise its impacts on the streetscene with its lower floor at basement level resulting in just its first floor extending above ground level.

5. Whilst the frontage to the site would be set on the back edge of pavement, in advance of the building line along Grosvenor Road the effect of the appeal scheme is to replicate the form of rear extensions to properties on Grosvenor Road at its junction with Windor Road. Whilst there may be some intrusion into the separation space between 22 Osterley Park Road and 1-3 Grosvenor Road its height means that the scheme would not detract significantly from the area's character and appearance. It would not appear as a stark contrast to the prevailing character of the street scene and pattern of development in the area. Its impacts would be limited and could be mitigated, in part, through the proposed materials for its elevational treatment.
6. I conclude on this main issue that the scheme would not adversely impact on the character and appearance of the area and would not be contrary to Policies 7.4 and 7.4 of the London Plan (2016) and Policies 7B and 7.4 of the Ealing Development Management DPD.

Living conditions of the occupiers of flats in 22 Osterley Park Road

7. The proposed scheme would occupy land included in the permitted scheme for garden and parking space for the flat conversion of 22 Osterley Park Road. I understand that this scheme has been implemented. The principle of development on this site would reduce the amenity space to a minimum which would adversely impact on the living conditions of occupants of the flats in this property. Similarly, the loss of parking spaces would displace parking onto the street; this could prejudice highway safety. Although there is currently no direct access to the appeal site from the rear of 22 Osterley Park Road the land included in the appeal site was part of the original permission, designed to ensure acceptable living conditions for the occupiers of these flats.
8. Furthermore, the north wall of the appeal scheme would be within about 6m metres of the rear windows of the ground floor flats. This would enclose the limited garden area to the flats and dominate views from the rear ground floor windows of this property. The appellants suggestions regarding reconfiguring the amenity space both to the front and rear of 22 Osterley Park Road to compensate for the loss of this space, would be insufficient to address these concerns.
9. For these reasons on this main issue I conclude that the proposed scheme would be contrary to policies 3.5 and 7.6 of the London Plan 2016 and policies 3.5, 7B and 7D of the Ealing Development Management DPD (2013).

Living Conditions of future occupiers of the appeal scheme

10. The appeal scheme does not have sufficient private amenity space of sufficient quality. The proposed area of private amenity space comprising 21sm in a lightwell would be limited in extent and be of poor quality with only limited access to light. Although the appellant cites the London Plan standards of just 5sm of private amenity space for dwellings the Standard¹ has a requirement that such space should offer good amenity. The lightwells, due to their limited area, would not be adequate to ensure acceptable living conditions.
11. On this main issue I conclude that the proposed scheme would be contrary to policies 3.5 and 7.6 of the London Plan 2016 and policies 3.5, 7B and 7D of the Ealing Development Management DPD (2013).

¹ Standard 26 of Mayoral Housing SPG

Planning Balance and Conclusions

12. I understand that the scheme has been revised significantly from the one originally dismissed on appeal. However, although I consider that it would not harm the character and appearance of the area it would adversely impact on the living conditions of both existing occupiers of the neighbouring property, 22 Osterley Park Road and those of its future occupiers.
13. For these reasons I conclude that the proposal would be contrary to Policies 3.5 and 7.6 of the London Plan 2016 and Policies 3.5, 7B and 7D of the Ealing Development Management DPD (2013). Furthermore, the proposals would not accord with the National Planning Policy Framework, which requires that new development should be designed with a high standard of amenity for existing and future occupiers.

Stephen Wilkinson

INSPECTOR