



Appeal Decision

Site visit made on 20 October 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th October 2020

Appeal Ref: APP/A5270/W/20/3246806

110 Burns Avenue, Southall UB1 2LU

- 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 SK Chahal against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192598FUL, dated 11 June 2019, was refused by notice dated 31 October 2019.
 - The development proposed is change of use of existing annex at rear of garden for use as 1-bedroom self-contained residential dwelling, involving separate amenity space and off-street parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The development description in the banner heading above is taken from the planning application form. At Part E of the appeal form, it is stated that the description of development has not changed. Nevertheless, a different wording has been entered which describes the proposal as 'use of a single storey detached outbuilding as a self-contained flat, including associated external alteration to insert two windows to the rear elevation and provision of associated separate amenity space'. As this reflects the description stated on the Council's decision notice and I consider it a more accurate representation of the proposal, I have determined the appeal on that basis.

Main Issues

3. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and disturbance; and
 - iii) whether or not living conditions for future occupiers of the proposed dwelling would be acceptable with particular regard to the provision of amenity space and outlook.

Reasons

Character and Appearance

4. Burns Avenue is predominantly characterised by terraced dwellings which are arranged on strong building lines fronting the street. Most near to the site have

outbuildings set at the rear of their long gardens which are served by narrow shared accesses between runs of buildings. As a result, there is a distinctive regular pattern to the urban grain and a uniformity to the street scene which is enhanced by the similar overall scale and appearance of the dwellings themselves.

5. The appeal relates to an end of terrace property with an outbuilding to the rear which it is proposed would be converted to a dwelling. This would have independent access via the shared driveway that runs between the appeal site and the neighbour at 108 Burns Avenue, and would be served by a garden and parking space to its front.
6. Given the varied designs of outbuildings nearby and the limited nature of the proposed external alterations, the appearance of the building itself would not be out of keeping. Nevertheless, as a separate dwelling, the location of the development behind buildings fronting Burns Avenue and lack of a street frontage would stand out conspicuously against the prevailing pattern of the area. The reduced depth of the retained plot to serve No 110, as well as the small size of the plot and garden for the proposed dwelling would be strikingly at odds with the long gardens that are typical in the area. The layout with a garden to the front of the dwelling, and the provision of parking between this and the garden for No 110 would additionally be out of keeping and would exacerbate the unsympathetic nature of the development. For these reasons taken together, I find that the development would appear isolated and incongruous, and would detract from the characteristic urban grain and layout which define the area.
7. While I have not been directed to a specific policy precluding 'backland' development, I therefore conclude on this main issue that the proposal would represent poor quality design that would cause significant harm to the character and appearance of the area. It would therefore conflict with Policies 7.4, 7B and 7D of Ealing's Development Management Development Plan Document 2013 (DMDPD) and Policies 3.4, 3.5, 7.1, 7.4 and 7.6 of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (LP). Together, these policies broadly seek high quality development that complements local character. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which includes requirements seeking high quality design and development that is sympathetic to local character.

Living Conditions – Neighbouring Occupiers

8. External alterations to the outbuilding would be very limited and would not cause loss of light or privacy to any neighbouring occupiers. However, occupation of the building as a separate dwelling would be apparent through the nature of activity on the site and additional comings and goings. This would result in greater noise and disturbance than use of the building by occupiers of No 110 which would be unexpected, particularly given that it seems likely to me that the narrow width of the access would make entering and exiting the parking space awkward, entailing multiple manoeuvres. I consider that the resulting activity on the site immediately adjacent to neighbouring gardens, most particularly at 112 Burns Avenue, but also at No 108 as well as No 110, would be noticeable and intrusive, detracting from their use and existing relatively peaceful enjoyment.

9. I therefore conclude on this main issue that the proposal would result in unacceptable harm to the living conditions of neighbouring occupiers through noise and disturbance, and it would conflict with Policies 3.5 and 7B of the DMDPD and Policies 3.5 and 7.6 of the LP. Amongst other things, these policies together require that development does not harm the amenity of surrounding land and buildings. There would also be conflict with the Framework which requires a high standard of amenity for existing and future users.

Living Conditions – Future Occupiers

10. Policy 7D and Table 7D.2 of the DMDPD require a minimum of 5sqm garden space per 1-2 person house, but indicate that in most circumstances this will need to be supplemented, with 50sqm per house typical. They also highlight that space provided must be fit for purpose, and that narrow, unusable areas and leftover strips adjacent to parking areas should not count towards provision.
11. The dwelling would have a garden of around 31sqm. This would be adjacent to the parking space, but would not be narrow or awkwardly shaped. Given also its overall size, it would be more than a 'leftover strip' and would provide a functional and usable area which would be adequate to accommodate activities such as sitting out and drying washing, and it would far exceed the minimum area requirement. The adjacent parking would serve the same dwelling, and I see no reason that its use would therefore diminish the attractiveness of the space. The driveway running to the side would also reflect the existing situation of No 110 and many other dwellings nearby. Although there would be a shortfall against the suggested 50sqm, the dwelling would be a small one-bedroom property and I am satisfied in this case that the garden would offer space fit to meet the needs of users. However, this does not alter my conclusion that the size and layout of the space would be out of character.
12. Internally, the windows to the rear of the dwelling would be obscure-glazed, and as a result would not provide outlook for occupiers. Nevertheless, the bedroom and open plan kitchen and living/dining space would be served by windows onto the garden, and separation from these to the parking space, boundaries and surrounding buildings would be sufficient to ensure suitable outlook for occupiers and to avoid an undesirable degree of enclosure.
13. For these reasons, I conclude on this main issue that there would be acceptable living conditions for future occupiers of the dwelling with regard to the provision of amenity space and outlook. In this respect, I find no conflict with Policies 3.5, 7B or 7D of the DMDPD or Policies 3.5 and 7.6 of the LP which require, amongst other things, quality housing and a high standard of amenity for users, nor with similar objectives within the Framework.

Other Matters

14. The appellant has drawn my attention to developments at 17 and 33 Burns Avenue, but these were certificate of lawfulness applications for a playroom and gym associated with the host dwellings, and at 51 Burns Avenue the proposal was for an annex to the dwelling. These examples are not therefore comparable to the proposal before me which is for a separate self-contained dwelling, and they do not alter my conclusions on the main issues above.
15. The appeal site is within an existing built-up area, and the proposal would make effective use of the site to provide a new dwelling. However, the

contribution would be limited by the modest scale of the development for a single dwelling. Moreover, the support within the Framework for these objectives and for the use of previously developed land is qualified against requirements that development also delivers well designed places and a high standard of amenity of existing users. Consequently, I do not find that these benefits would outweigh the harm that would be caused to the character and appearance of the area or to neighbouring living conditions.

16. I note the appellant's comment that the Council did not specify impacts on neighbouring occupiers, but its concerns were clearly outlined within its officer report. The Council's report also raises concern that refuse storage within the site would be more than 10m from the collection point on Burns Avenue. I have not been provided with copies of relevant development plan policies or guidance, and this did not form a reason for refusal of the application so has not been addressed by the appellant as part of the appeal. With this in mind, I confirm that the harm that would arise in relation to the main issues in this case provide compelling grounds to dismiss the appeal.

Conclusion

17. The proposal would conflict with the development plan when it is read as a whole, and material considerations including the Framework do not indicate that a decision contrary to the development plan should be reached. For the reasons given above, I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR