



Appeal Decision

Site visit made on 20 October 2020

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02/11/2020

Appeal Ref: APP/A5270/W/20/3251421
158 Uxbridge Road, London, W13 8SB

- 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 R Gooner against the decision of the Council to the London Borough of Ealing.
 - The application Ref 194515FUL, dated 18 October 2019, was refused by notice dated 18 March 2020.
 - The development proposed is described as 6 New Build Flats with Roof garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the site and its setting. The second main issue is the effect of the proposal on the living conditions of the occupiers of 2 Drayton Green Road (No.2) with particular regard to light and visual impact and the occupiers of the surrounding properties with particular regard to privacy.

Reasons

Character and appearance

3. The appeal site is located within the busy and accessible Ealing Metropolitan Centre. Whilst the buildings that front onto Uxbridge Road are commercial, to the rear of them is a range of residential properties, including flats and houses.
4. Section 11 of the National Planning Policy Framework 2019 (Framework) promotes making effective use of land in meeting the need for homes, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Substantial weight should be given to using suitable brownfield land for homes and the development of under-utilised land and buildings is promoted. Minimum density standards should be used where appropriate and development should make optimal use of the potential of each site.
5. Consistent with this, policies 3.3, 3.4 and 3.14 of The London Plan (London Plan), policies 1.1 and 1.2 of Ealing's Development Strategy Development Plan Document 2012 (Core Strategy) and policy 3.4 of the Ealing Development Management Development Plan Document 2013 (DPD), seek to optimise

- housing potential, increase housing supply and choice and create mixed and balanced communities.
6. The appeal site occupies a backland position to the rear of a commercial terrace, where the adjacent rear gardens/yards have been developed for flats and there is a two storey dwelling (No.2), to the north of the site. The appeal site is underused and neglected, although parts appear to be used by the occupiers of the commercial units for waste storage, as a sitting area and for access to the rear pedestrian access. As such, it is an area where, in principle new residential development is supported, subject to various factors including its effect on the character and appearance of the locality and on the living conditions of existing and proposed residents.
 7. Policy 1.2 of the Core Strategy, policy 7.4 of the DPD, policies 7.4 and 7.6 of the London Plan and The London Plan Supplementary Planning Guidance (SPG), collectively seek high standards of design that responds to the pattern and grain of existing spaces and streets in orientation, proportion and mass. Architecture should make a positive contribution to the streetscape.
 8. A new three storey yellow brick flats development is currently being constructed immediately to the east of the appeal site. It is sited away from the road frontage building at No. 156 Uxbridge Road and projects to approximately six metres from the boundary with No.2. Where it faces the appeal site there is a recessed area that appears to have openings on all three sides.
 9. There is a single storey extension to the rear of 160 Uxbridge road which adjoins a three storey red brick flats development, which runs along the western boundary of the appeal site. The second floor of this existing flats development is partly accommodated within a mansard style roof, which together with its projecting gables and the buildings fenestration helps to break up the mass of the existing building when viewed from the street scene. The proposed building would adjoin the eastern flank wall of this building.
 10. To the rear of the appeal site the dwelling at No.2 is modest in scale and height and has a catslide roof on its southern side. This opens up views into the rear garden environment and provides a visual gap between the dwellings in Drayton Green Road and the flats developments to the rear of Uxbridge Road.
 11. The proposed building would project beyond the northern elevations of the adjoining flats developments. It would be three storeys in height with a flat roof which would be used to accommodate a roof garden, roof access structure and safety railings. This roof would be taller than the mansard style roof of the flats development to the west.
 12. When viewed from Drayton Green Road the proposed building would project into the open gap between the 'backland' flats developments and the dwelling at No.2. It would obscure views of the soft planting within the rear garden environment and the proposed flank wall, plain flat roof and roof garden railings would be visually prominent, stark and top heavy. The situation would be exacerbated by the roof garden, which would appear out of context with its setting, particularly when in use.
 13. The proposed building would be wider and taller than the attached building at No.160 and would lack its articulation. The large expanses of brickwork would

accentuate the width and height of the building, as well as its bland appearance. Whilst these features would not be evident from within the street scene they would materially detract from the character and appearance of the rear garden environment.

14. The proposed building would occupy most of the appeal site. The refuse/recycling bins and cycles would be sandwiched between the living room windows serving proposed flat A and the existing pedestrian access would be reduced in width. The narrow pedestrian access would be extended along the eastern side of the proposed building to serve both the proposed flats and the commercial unit. The south facing living room windows to studio flats B, D and F would face towards and would be some 10 metres from the rear elevation of the commercial building at No.158. In addition, the ground floor south facing windows to Studio flat B would look directly into the commercial yard at the rear of No.158.
15. As a result of these factors the proposed development would appear cramped and the site would appear over-developed.
16. For these reasons the proposal would materially harm the character and appearance of the site and its setting. This harm would materially outweigh the benefits of providing six new flats in this accessible and mixed commercial and residential area.
17. I conclude on the first main issue that the proposal would unacceptably harm the character and appearance of the site and its setting. Accordingly, it would conflict with policy 1.2 of the Core Strategy, policy 7.4 of the DPD, policies 7.4 and 7.6 of the London Plan and the SPG. It would also conflict with section 12 of the Framework, which advises that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Living conditions

18. The proposed roof garden would project up to the sides of the roof and would enable direct overlooking into the rear garden of No.2. It would also facilitate direct over-looking of the balconies and recessed area in the flats development to the east.
19. The northern elevation of the proposed building would be located close to the rear projecting wing of the dwelling at No.2, where it would totally dominate the outlook from a number of clear glazed windows at ground and first floor levels. The overbearing impact of the proposed building would be exacerbated by the associated loss of sunlight within the rooms served by these windows. The north facing windows in the proposed building and in particular the full height glazed doors would facilitate direct overlooking of the windows and part of the rear garden at No.2.
20. I conclude on the second main issue that the proposal would materially and unacceptably harm the living conditions of the occupiers of the flats development to the east due to loss of privacy and the living conditions of the occupiers of No.2 due to its overbearing visual impact, associated loss of sunlight and loss of privacy. The proposal would therefore conflict with policies 7.4 and 7B of the DPD and policy 7.6 of the London Plan which seek to

ensure that new development achieves good living conditions for existing and proposed residents in relation to visual impact, sunlight and privacy.

Other matters

21. The submitted evidence fails to demonstrate that the proposed flats would benefit from adequate daylight and sunlight or that the cycle storage area could accommodate 9 cycles, as required by policy 6.13 of the London Plan. Similarly, no details have been submitted to ensure the development remains car-free. Had I found in favour of the appellant in relation to the main issues these are matters upon which I would have sought further views of the main parties.

Conclusion

22. The conclusions on both of the main issues represent compelling reasons for dismissing this Appeal, which could not be satisfactorily addressed through the imposition of conditions or legal agreements.

Elizabeth Lawrence

INSPECTOR