



Appeal Decision

Site visit made on 8 September 2020

by J Williamson BSc (Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 November 2020

Appeal Ref: APP/A5270/W/20/3253356

1 Regina Road, Southall UB2 5PL

- 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 B S Multani against the decision of the Council of the London Borough of Ealing.
 - The application Ref 200111FUL, dated 11 January 2020, was refused by notice dated 05 March 2020.
 - The development proposed is described as additional 6 flats to a previously approved application for 9 flats and 4 four shops with internal changes to flat 3 and flat 8.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the host property, a locally listed building, and the character and appearance of the area, and
 - whether the proposal would provide satisfactory living conditions for future occupiers of the 5 flats that would be located at loft level, with particular regard to room heights, outlook and outdoor space.

Reasons

The effect of the proposal on the character and appearance of the locally listed building and the area

3. Following a recent change of use, conversion, extensions and alterations to the building, the site consists of a three-storey locally listed building. The key features that give the building its significance are the red brick, stucco-trimmed and stone feature frontage at ground-floor level and the copper-clad pepperpot tower, which terminates the vista down King Street. The building is in a prominent position at the northern end of Regina Road, close to several road junctions.
4. I have had regard to a very recent appeal decision related to the site (Ref APP/A5270/W/19/3236865) as the current proposal is very similar to the one that was dismissed in that appeal. The Inspector in the previous appeal concluded that the proposed dormer windows would have an adverse effect on

the character and appearance of the building and the surrounding area. The key differences between the 2 schemes are that the dormers have been reduced a little in size, a parapet is proposed around the building and the internal layout of the proposed loft level flats has been altered.

5. Paragraph 197 of the National Planning Policy Framework (the Framework) requires the effect of development on the significance of a non-designated heritage asset to be considered in determining applications. The Framework advises that in weighing development that directly or indirectly affects non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset.
6. The building has pitched, hipped, tiled roofs that provide an uninterrupted covering to the building with clean lines and surfaces. The large number, size and siting of the proposed dormers would punctuate the roof slopes, thereby significantly disrupting the existing uninterrupted slopes.
7. Although the size of the existing window openings and the window designs differ on each of the 3 floor levels, there is a general consistency on each level and a harmony in the way the vertical lines run up through the building. The siting, design, sizes and proportions of the proposed dormers would not be in keeping with the designs, sizes or vertical lines of the existing windows on either of the 3 floors. Consequently, the proposed dormers would clash with the existing balanced, harmonised appearance of the building's elevations.
8. The dormers would be set back behind a proposed parapet wall, which would serve to screen the proposed dormers to a degree. However, when viewed from several points on the surrounding streets from where the building is visible from, ie Regina Road, Montague Waye, King Street and Norwood Road, I consider that sections of the dormers would still be visible. Even if this would not be the case, I consider the introduction of the parapet wall itself would harm the character and appearance of the building. The top of the parapet wall would be above the height of the existing eaves of the top of the pepperpot tower, and the space around the top of the tower would be substantially reduced. As noted, the pepperpot tower is a significant aspect of the building's quality. Consequently, the positive contribution the pepperpot tower makes to the significance of the locally listed building would be substantially undermined.
9. Bearing the above factors in mind, I conclude that the design, scale, siting and proportions of the proposed dormer windows and parapet would have a significant adverse effect on the character and appearance of the locally listed building, which would therefore harm the street scenes and the character and appearance of the surrounding area. As such, the proposal, in this regard, does not accord with policies 7.4, 7B and 7C of the Development Management Development Plan Document-2013 (DPD), 7.4, 7.6 and 7.8 of The London Plan-March 2016 (the LP) or the design and heritage policies in the Framework. These policies, among other things, seek to ensure that new development is of high-quality design, is sympathetic to local character and history, has a positive visual impact and conserves the significance of heritage assets.

The effect of the proposal on the living conditions of future occupiers of the loft level flats, with particular regard to room heights, outlook and outdoor space

10. Policies 3.5 and 7B of the DPD, 3.5 of the LP and paragraph 127 of the Framework collectively seek to ensure that the living standards of future occupiers of new developments are of a satisfactory standard.
11. Policy 3.5 of the DPD states that the space standards in table 3.3 will apply as minimum requirements and that, as regards these standards, usable floor area is defined as spaces where there is a minimum of 2.5 m between finished floor and ceiling levels. The policy details at E3.5.3 state that where proposed ceiling heights are below 2.5 m, the floor plans must demonstrate that spaces remain usable for their proposed purpose.
12. Table 3.3 of the LP includes a 'note' which states that, although the Nationally Described Space Standards (NDSS) sets a minimum ceiling height of 2.3 m (for at least 75% of the gross internal area), to address a unique heat island effect of London along with the density and flattened nature of most of its residential development, a minimum ceiling height of 2.5 m is strongly encouraged, in order to achieve residential accommodation of adequate quality.
13. The proposed loft level flats would have a ceiling height of 2.3 m at the highest point, sloping down to 1.5 m at the perimeter. The extent of floor area in each would not be extensive, as it would be close to the minimum required. Given the sloping ceilings, the extent of floor area where future occupiers would be able to move freely around would be restricted and the use of the floor area for furniture placement would also be restricted. In addition, these flats would not be provided with any outdoor amenity space; as such, future occupiers would rely extensively on the quality of the internal space. Furthermore, due to the proposed parapet wall, the outlook from these flats would be restricted.
14. Although the proposed ceiling height would meet the minimum requirement outlined in table 3.3 of the LP, it does not meet the recommended height of 2.5 m. Furthermore, due to the restrictive factors outlined, the proposed spaces would be fully useable for their proposed purposes. In addition, as the 5 flats would have a poor outlook and rely on public outdoor amenity space, I conclude that the proposal would fail to provide satisfactory living standards for future occupiers of the loft level flats. As such, the proposal does not accord with policies 3.5 of the DPD, 3.5 of the LP or paragraph 127 of the Framework.

Other considerations

15. I have had regard to the examples of roof extensions with dormers that the appellant has drawn my attention to and floor to ceiling height at 45 Ruislip Road. However, I do not have the full details of these cases and therefore cannot be certain that either of them is directly comparable to the scheme before me. In any event, I must determine the appeal on its own merits.

Conclusion

16. For the reasons outlined above, I conclude that the appeal is dismissed.

J Williamson

INSPECTOR