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## Appeal Decision

Site visit made on 1 December 2020

**by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> December 2020**

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**Appeal Ref: APP/A5270/W/20/3253653**  
**160 The Broadway, Southall UB1 1NN**

- 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 M Zubair against the decision of the Council of the London Borough of Ealing.
  - The application Ref 200920FUL, dated 29 February 2020, was refused by notice dated 21 April 2020.
  - The development proposed is the conversion of part ground floor, first floor and loft space into 3 self-contained flats with associated alterations including external alterations to the ground floor shop front, first floor part rear extension and roof alterations to facilitate the conversion of a roof space into habitable room.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In the interests of accuracy, the description of the proposal has been taken from the Council decision notice rather than the appellant's application form.

### Main Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the proposed flats and neighbouring properties, having regard to sunlight, outlook, privacy, noise and disturbance and the provision of private outdoor space.

### Reasons

#### *Character and appearance*

4. The appeal site comprises a corner ground floor retail unit with a flat above, and a rear single storey extension and attached storeroom around a courtyard. There is a narrow private road around the side and rear of the site. The frontage of the building is a part of a shopping parade whilst the rear backs onto more traditional terraced housing. Within the parade, original buildings have been altered and extended, and in many instances, modern styled infill development has taken place. As a result, there is a variety of development forms and styles within the vicinity of the appeal site.
5. However, the proposal would result in a considerable amount of two storey extension to a more traditional style building with a pitched roof behind a parapet. At first and second floor level, it would cover much of the rear of the

site over the existing extension and storeroom. The existing pitched roof of the frontage building would also be replaced with a mansard type roof with 2 front dormers. This would extend back into the site, with further dormers on the side, forming the second floor.

6. At the first and second floor, the extension would have an expansive area of built form with little articulation where it faces the neighbouring property at 158 The Broadway and to the rear, even with the mansard type roof. At the second floor, the mansard type roof would further markedly stand out due to its steep pitch and flat roof crown which would contrast with the shallower pitch and traditional roof form of adjacent roofscapes. For all these reasons, the development would result in an excessively bulky, dominating and awkwardly designed extension.
7. At the corner of Dane Road and The Broadway, there is a retail use at the ground floor and residential units above, and the built form extends along Dane Road. However, this is a new development and did not involve extensions to an existing traditional style building. Its roof is also relatively shallow, unlike the mansard type roof of the appeal proposal. Furthermore, it also does not possess an awkwardly designed indent along one side (where the courtyard would be) like the proposal. Therefore, there are material differences between this development and the proposal. Notwithstanding this, its rear end serves to confirm how a substantial extension of the nature proposed here would adversely change the character and appearance of the area.
8. For all these reasons, the development would not represent the highest level of architectural quality or result in a positive visual impact. It would harm the character and appearance of the area and would conflict with Policy 7B of the Ealing Development Management Development Plan Document (DPD) 2013 and Policies 3.5 and 7.6 of the London Plan (LP) 2016. DPD Policies 3.5, 7A and 7D have not been detailed as they relate to internal space standards, emissions and recreational space respectively which are not issues relevant to this main issue.

### *Living conditions*

9. For future residents, the three flats would be dual aspect. However, the windows of the ground floor flat would face onto a courtyard area which would be enclosed on three sides by the extended building with the remaining boundary being an existing retained boundary wall. As such, the rooms within the flat would be unlikely to receive adequate natural light. With the additional use of the courtyard for bin and bike storage, outlook would also be poor. Furthermore, the courtyard would be a thoroughfare for the occupiers of the proposed and existing flats which would lead to noise and disturbance and the loss of privacy. For these reasons, the future occupiers would suffer from an adverse loss of light, outlook, and privacy, and harmful noise and disturbance.
10. Policy 7D of the DPD and standard 4.10.1 of the London Housing Supplementary Planning Guidance November 2012 require a minimum amount of private outdoor space to be provided for dwellings. The proposal makes no provision. However, private outdoor space contributes to achieving well-designed places, including creating better places to live and work. Making use of a nearby park would not be a substitute for privately accessed outdoor space because it cannot perform the same functions, for example private relaxation

or clothes drying. Even in a built-up area, the absence of any provision would therefore be poor design and would result in inadequate living conditions for flat occupants.

11. There is a neighbouring flat above a commercial use at 158 The Broadway. Based on my site visit, the only affected window would be that serving a bathroom where loss of outlook and light would not be a significant issue. Flats 2 and 3, and the flat in the existing building, would be elevated and their facing windows separated by a reasonable intervening distance. Consequently, there would be no significant loss of light, outlook or privacy to the occupiers of these flats.
12. For all these reasons, the development would not achieve a high standard of amenity for residents. It would harm the living conditions of the future occupiers of flat 1, having regard to light, outlook, privacy, and noise and disturbance and flats 1-3, having regard to the provision of private outdoor space. Accordingly, the proposal would conflict with Policies 7B and 7D of DPD and Policy 7.6 of the LP.

#### *Other matters*

13. The development would result in 3 flats which would boost housing supply in the borough. The site is located within Southall which has been identified as an opportunity area for development. The Southall Opportunity Area Planning Framework, Southall Gateway Supplementary Planning Document and Crossrail highlight the development potential of the area. Development construction and financial spend of future residents would support the local economy.
14. Residents of the development would have good access, via walking, cycling and public transport, to facilities and services, including shops, healthcare and schools. The proposal would make more effective use of land which would accord with National Planning Policy Framework (the Framework) policy which promotes and supports the developments of under-used land and buildings.
15. These economic, social and environmental benefits would weigh significantly in favour of the proposal. However, the Framework states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The development would not result in a well-designed place because it would not be visually attractive as a result of good architecture and would be unsympathetic to local character. It would not promote health and well-being, with a high standard of amenity for existing and future users. Cumulatively, these impacts would be substantial and overriding for the reasons indicated.
16. There is a dispute as to whether the Council has a 5 Year Housing Land Supply (5YHLS). Nevertheless, even in the absence of a 5YHLS, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, for the reasons indicated. Accordingly, the presumption in favour of sustainable development would not apply.
17. The Council has indicated that the covered storage area for refuse/recycling area in the rear courtyard would be too small. However, there should be no reason why a planning condition could not resolve this issue.

## **Conclusion**

18. The proposal would result in new housing according with local planning policy. However, the harm to the character and appearance of the area and living conditions of future residents would be permanent and overriding for the reasons indicated. Accordingly, the proposal would conflict with DPD and LP policies and the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR