
Appeal Decision

Site visit made on 14 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 12th March 2021

Appeal Ref: APP/A5270/W/20/3259766

19 Park Avenue, Southall UB1 3AQ

- 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 Surinder Virdee against the decision of the Council of the London Borough of Ealing.
 - The application Ref 201884FUL, dated 12 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is to increase the height of the rear ridge and convert the roof space to a self-contained studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An application plan showing site, elevation and floor layout details has been amended since the determination of the planning application by the Council. The plan now shows a cross section for the proposed flat with internal head heights shown. The plan revision does not materially change the nature of the proposal but rather provides clarification in response to a point raised by the Council. This amended plan has been considered in this appeal.
3. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and in this case, LP Policy D6 is relevant now instead of previous LP design policies.

Main Issues

4. The main issues are the effects of the proposal on (a) the living conditions of the occupiers of the new flat and a neighbouring property at 21 Park Avenue, having regard to internal space, private outdoor space, outlook and light, and (b) the character and appearance of the area.

Reasons

Living conditions

5. The site comprises a block of flats at a corner location between Park Avenue and Avenue Road. Under Policy 3.5 of the Ealing Development Management Development Plan Document (DPD) 2013, internal space standards, will apply as minimum requirements for residential development in Ealing. LP Policy D6

- states dwellings must provide at least the gross internal areas (GIA) detailed in these standards.
6. DPD Policy 3.5 also states for the purposes of the space standards, usable floor area is defined as spaces where there is a minimum of 2.5m between the finished floor level and the finished ceiling level. Under the LP, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is required so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space.
 7. The proposed flat has a GIA of approximately 48.3 sqm and the amended plan shows the flat's internal head height would be 2.3m across 75% of the GIA. The GIA falls below the space standard for a 1 bedroom 2 person flat by approximately 1.7 sqm. The height of the GIA would meet the Nationally Described Space Standards but is lower than that the 2.5m specified in the DPD and LP.
 8. The space standards take into account the number of occupants, commonly required furniture and the spaces needed for different domestic activities and for moving around internally. The LP's explanatory text details the distinct density and flatted nature of most of its residential development and the unique heat island effect of London as justifying these standards. The deficiencies, taken together, would therefore result in cramped and unacceptable internal living conditions for two persons after consideration of the application floor and cross section plans. The proposal would conflict with both DPD Policy 3.5 and LP Policy D6.
 9. DPD Policy 7D states all developments will be expected to make an appropriate contribution towards meeting additional open space demands, having regard to detailed standards. For the proposed flat, an area of 5 sqm of private outdoor space is required. The same requirement applies with LP Policy D6.
 10. There is no private outdoor space provided for existing residents of the flats and there are local parks, children's play spaces and sports grounds nearby. However, these considerations are not listed as an exception to the relevant policies and nearby public open space, is not a substitute for everyday outside living activities, such as private relaxation and clothes drying, which need to be provided at home in a readily convenient way. Furthermore, such requirements are necessary in the interests of well-being and health.
 11. The existing flats do not have any private outdoor space. However, every proposal has to be considered on its own particular planning grounds taking into account all relevant matters, including current development plan policies. With this proposal, there are policies requiring provision and there is a justified need as identified above.
 12. For the occupiers of 21 Park Avenue, there would be a further storey to an existing two storey part of the block of flats which would be adjacent to the rear garden and back of the neighbouring dwelling. The extra storey would result in an additional height of approximately 1.8m and would be set back off the neighbours' boundary and their rear dwelling elevation. However, the existing flatted block is at a significant height and the upward extension of the facing flank elevation would result in a towering and dominant impact on the neighbouring property. Consequently, the occupiers of this neighbouring property would experience an adverse loss of outlook.

13. The additional flat storey would be located to the west of No 21. However, the existing rearward extent of the flatted block would already substantially affect sunlight in the afternoon by virtue of the existing two storey scale. Given this, it has not been demonstrated that the extension would adversely affect sunlight to the occupiers of the neighbouring property. In terms of ambient light, the property would receive it from sky areas other than in the direction of the extended building. Nevertheless, this acceptability in terms of light would not overcome the objections based on the neighbouring occupiers' loss of outlook.
14. For all these reasons, there would be harm to the future occupiers of the flat, having regard to internal space and private outdoor space, and the existing occupiers of 21 Park Avenue, having regard to outlook. Accordingly, the proposal would be contrary to Policy D6 of the LP and Policy 2.10 of the Ealing Development Strategy Development Plan Document 2012 (DSDPD), Policies 3.5, 7.4 and 7B of the DPD. In respect of living condition issues, DSDPD Policies 1.1 and 2.1 are not relevant because they relate to strategic housing provision.

Character and appearance

15. The existing block of flats was built in 1980s and varies in scale from two storey facing onto Avenue Road to three storey facing onto Park Avenue. The block is staggered with building step backs and differing ridge heights. Park Avenue and Avenue Road have older semi detached dwellings which are traditional in design. Opposite the site, there are industrial warehouses and associated car parks on Park Avenue. Together with the existing development at the appeal site, this results in a varied character and appearance to the area.
16. The extended block would have a greater part of it at the same height and scale and this would alter the graduated stepping down of roof and storeys across the site. However, the proposal would be modest in size, with the half dormer appearing discreet and would affect only a limited part of the building. The extension would be constructed in matching materials. The overall design would not be adversely affected.
17. For all these reasons, the development would not harm the character and appearance of the area taking into account its varied context. Accordingly, the proposal would comply with Policy D6 of the LP, Policy 2.10 of the DSDPD and Policy 7.4 of the DPD. In respect of character and appearance issues, DSDPD Policies 1.1 and 2.1 are not relevant because they relate to strategic housing provision.

Other matters

18. The site is designated as part of the Southall Opportunity Area Framework and the Uxbridge Road/Crossrail Corridor which are areas identified for intensification and development. The new LP proposes further housing within London and Ealing. The proposal would boost housing supply in accordance with the development plan, including DSDPD Policies 1.1 and 2.1, and the new LP, which promote housing delivery and the optimisation of suitable brownfield sites for housing. Occupiers of the development would have good

access to services and facilities, including public transport. Such considerations weigh in favour of the proposal.

19. However, the provision of one dwelling would make only a limited contribution to housing supply. The National Planning Policy Framework states that developments should ensure the creation of places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The harm to the living conditions of the occupants of the new dwelling and the neighbouring dwelling would be significant and permanent. Consequently, there are strong reasons why the site would not be suitable for housing and the adverse impacts would outweigh any benefits of the proposal.

Conclusion

20. There would be harm to the living conditions of the occupiers of the new and existing dwelling contrary to the policies of DPD, DSDPD and LP, and there would be conflict with the development plan taken as a whole. There are no material considerations to outweigh that finding and planning permission should be refused. Therefore, for the reasons set out above, this appeal is dismissed.

Jonathon Parsons

INSPECTOR