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## Appeal Decision

Site visit made on 9 March 2021

**by J Bowyer BSc(Hons) MSc MRTPI**

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

**Decision date: 12<sup>th</sup> April 2021**

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**Appeal Ref: APP/A5270/W/20/3257166**  
**1109 Greenford Road, Greenford UB6 0DP**

- 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 Peter Brenton against the decision of the Council of the London Borough of Ealing.
  - The application Ref 201754FUL, dated 1 May 2020, was refused by notice dated 26 June 2020.
  - The development proposed is creation of inset roof to Block C to create 2 residential units (Use Class C3) and associated works.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form, although I note that the proposal is described differently as 'construction of additional storey to two storey rear building to provide two additional self-contained residential units' on the Council's decision notice and at Section E of the appeal form.
3. I have had regard to representations submitted in response to an invitation to the main parties to comment on the London Plan 2021 (LP) which was published on 2 March 2021 and to highlight any policies considered relevant. The LP also supersedes policies of the London Plan - The Spatial Development Strategy for London Consolidated with Alterations Since 2011 that were cited within the Council's decision, and I therefore make no further reference to the policies of this previous plan within my decision.

### Main Issues

4. The main issues are:
  - i) the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings on Greenford Road with particular regard to outlook and whether or not it would be overbearing;
  - ii) whether or not living conditions for future occupiers of the proposed dwellings would be acceptable with particular regard to the provision of internal space and outdoor amenity space; and
  - iii) the effect of the proposal on the character and appearance of the area.

## Reasons

### *Living Conditions – Neighbouring Occupiers*

5. The appeal relates to part of a wider site located at the junction of Wadham Gardens with Greenford Road which I am advised has been granted planning permission for redevelopment to flats. At the time of my visit, construction works were ongoing, and I saw a partially completed two-storey building present on the appeal site. The appeal proposes an additional storey above part of the roof of this building.
6. The appeal building is sited very close to the boundary of 1121 Greenford Road, and extends along a considerable proportion of the depth of the garden to this neighbouring dwelling. The proposed development would be no closer to No 1121 than the existing, but would further increase its height, and despite being inset from the storey below would add appreciably to the overall scale and mass of the building. It would be clearly visible from the rear of No 1121 and its garden, as well as from adjoining properties on Greenford Road beyond, further restricting available views of the sky and exacerbating the impression of enclosure which already results from the existing structure on the site.
7. The use of contrasting external materials and inset from the building below would distinguish the development and provide some visual interest. However, there would be no windows or openings to otherwise break up the elevation along the boundary with No 1121 or provide visual relief so that it would appear as a fairly solid mass overall. In my view, the greater bulk of the building taken as a whole in such close proximity to the boundary of the site would result in a highly dominant and intrusive feature from the perspective of the occupiers of the closest dwellings on Greenford Road.
8. As a consequence, I find that the proposal would increase the sense of enclosure and would significantly worsen outlook from the rear of these neighbouring dwellings and their gardens in comparison to the existing situation. The imposing effect would be most acute in the case of No 1121 which directly adjoins the site, but would nevertheless also extend to the nearest properties beyond given their close relationship with the site and the scale of the development.
9. The appellant refers to warehouse buildings which previously occupied the site as an eyesore, but these are no longer present. Moreover, while they may have covered a larger overall proportion of the site, the appellant has not disputed that the development would be of greater height closer to the boundary with No 1121. It would therefore occupy a greater proportion of available outlook, increasing the prominence and visual impact of development on the site and heightening the degree of enclosure directly along the boundary.
10. My attention has been drawn to the results of a Daylight and Sunlight Study indicating no harmful overshadowing to neighbouring gardens. However, while there can be a relationship with factors which also affect light levels, outlook is a distinct concept which relates much more to whether a development would have an overbearing or enclosing effect as a result of its scale, design or proximity to neighbouring occupiers. Accordingly, satisfactory effects on light levels is not proof of the acceptability of the overall impact of development.
11. For these reasons, I conclude on this main issue that the proposal would be overbearing and would result in a significant loss of outlook which would cause

unacceptable harm to the living conditions of the occupiers of neighbouring dwellings on Greenford Road. As a consequence, it would conflict with Policy 7B of the Ealing Development Management Development Plan Document 2013 (DMDPD) and Policies 1.1 and 2.1 of the Ealing Development Strategy 2012 which generally seek a high quality environment and which require, amongst other things, a high standard of amenity for existing users.

*Living Conditions – Future Occupiers*

12. The main parties indicate that the 2 proposed flats within the development would both have an internal area of 38sqm, exceeding the 37sqm minimum standard for a one-bedroom, one-person dwelling sought by the Nationally Described Space Standards (NDSS) and reflected within the requirements of Policy 3.5 of the DMDPD. However, the dwelling labelled as Flat 07 includes 2 separate spaces larger than the minimum area of 11.5sqm required for a double bedroom. The Council's view is that it should therefore be considered as a one-bedroom, two-person dwelling for which the standards indicate a minimum internal area of 50sqm.
13. The NDSS standard requires that in order to provide one bedspace, a single bedroom has a floor area of at least 7.5sqm. This is a minimum, and I agree with comments made by the Inspector in an appeal at 1 Gayford Road, London referred to by the appellant that it is not intended to penalise development which exceeds the minimum applicable standard. Nevertheless, the area of the spaces within Flat 07 indicate that it could accommodate a double bed and it would not be possible to control whether the dwelling was occupied as a one or two person unit. In this case, it seems to me that the internal layout with a hallway between rooms providing for separate bedroom and living spaces would be more likely to be attractive to two-person households than if it was a single living area with less scope to accommodate individual space and time apart. However, the internal space would fall some way short of the minimum standards sought by the NDSS to serve a two-person dwelling.
14. In any event, even if I were to accept the appellant's position, Flat 07 would only just exceed the minimum standard for a one-bedroom, one-person dwelling, and as the appellant highlights, the supporting text to Policy 3.5 of the DMDPD encourages development to exceed minimum standards in practice. Moreover, there is no dispute between the parties that the balconies to both proposed flats would not deliver the 5sqm private outdoor space required by Policy 7D of the DMDPD.
15. The appellant refers to provision of communal amenity space within the development, but I cannot be sure from the evidence before me whether the quantum of this space would be sufficient in accordance with relevant standards to support further occupiers in addition to those who already rely on it. Either way though, I note that the supporting text to Policy 7D of the DMDPD refers to provision of communal space as additional to private areas for flats, rather than as an alternative.
16. I acknowledge that the dwellings would be unlikely to be occupied by families, and that the site is located near to a large amount of public open space at Horsenden Hill Recreation Ground. While the availability of public space would not offer a substitute for private amenity space for the exclusive enjoyment of residents, these factors would temper somewhat the magnitude of the detriment to the quality of life of occupiers arising from the deficiency in the

quantity of space. Given the small size of the balconies and the dwellings that they would serve, I am also satisfied that their use would not be likely to result in any significant nuisance to neighbours, and that views to and between them would not harmfully compromise privacy for occupiers.

17. Nevertheless, the shortfall would conflict with the requirement for private outdoor space within DMDPD Policy 7D. In combination with the internal area of the dwellings which would only just exceed minimum standards even if I were to consider that Flat 07 comprised a one-person dwelling, I am not therefore satisfied that the proposal would provide acceptable living conditions for future occupiers. Accordingly, I conclude that the proposal would be contrary to Policies 3.5, 7B and 7D of the DMDPD which together broadly seek a high standard of amenity for users, as well as with similar objectives outlined within the National Planning Policy Framework (the Framework).

### *Character and Appearance*

18. Wadham Gardens and the immediate section of Greenford Road are generally characterised by terraced and semi-detached dwellings of similar overall appearance and scale. However, Greenford Green Clinic adjacent to the site on Wadham Road is a single-storey building with a large footprint, and the wider street scene of Greenford Road includes much greater variety in the scale, appearance and use of buildings.
19. When complete, the adjacent development would largely screen the current building on the appeal site to views from Greenford Road and along much of the frontage to Wadham Gardens, although this would not be complete and it would be visible including across the front of the Greenford Green Clinic as well as from surrounding gardens. In views from Greenford Road, the proposed additional storey would project above the closest two-storey part of the neighbouring dwelling at No 1121 and the sloping roofline of the adjacent development. However, given its set back and position relative to these neighbouring buildings, views from the Greenford Road street scene would be very limited. More of the development would be visible from Wadham Gardens, but it would still be set back significantly from the street frontage, and would be no higher than the roof to the wing of the adjacent development which would be in the foreground. Seen against this neighbouring development and the mixed character of the wider area, I consider that the building on the site would appear relatively unobtrusive.
20. The proposal would increase the scale of the appeal building, but it would not alter the existing footprint and would be inset from the storeys below. The development as a whole would also be no higher than the adjacent building and would be of much smaller overall scale. I accept that the appeal building and adjacent ongoing development will occupy a significant proportion of the wider site, but this would not be increased by the proposal and given the above factors, I am satisfied that the scale and massing of the altered building would not appear cramped or visually imposing relative to the existing situation.
21. For these reasons, I consider that the development would sit comfortably on the site and it would not be a striking or dominant feature in the surrounding street scenes. I therefore conclude that the character and appearance of the area would not be harmed, and I find no conflict with Policy 7.4 of the DMDPD which requires development that complements the surrounding area including with regard to the building pattern and scale. Similarly, I find no conflict with

requirements within the Framework seeking well-designed places and development that is sympathetic to local character.

### **Other Matters**

22. As I am dismissing the appeal for other reasons, it is not necessary for me to give further consideration to whether the proposal would result in a need for variation to the legal agreement securing planning obligations in relation to the current development on the site.

### **Planning Balance**

23. Both the Framework and the LP recognise the important role that small sites such as this can play in the delivery of housing. The proposal would make effective use of the site to deliver 2 additional dwellings towards the supply of housing locally. In light of the clear objectives within the Framework and the LP seeking to significantly boost the supply of housing and to make the best use of available land, I afford great weight to this benefit, although as the scheme would provide only 2 additional dwellings I consider the benefit to be limited.
24. There would also be some temporary economic benefits associated with jobs and expenditure during the construction phase, as well as longer-term benefits on occupation including as a result of spending by residents. I also note that the development would contribute through the Community Infrastructure Levy towards infrastructure in the local area. In addition, the dwellings would be in a generally accessible location within walking distance of nearby public transport links, as well as other local services. However, the proposal's contributions in these regards would be qualified by the modest scale of the development. The appellant further refers to the replacement of derelict warehouses on the site as offering an improvement, but this has already been delivered by the existing development and is not a further benefit of the appeal before me.
25. Conversely, I give significant weight to the serious harm that I find would be caused to the living conditions of neighbouring occupiers. In addition, I am not satisfied that living conditions for future occupiers of the dwellings would be acceptable. Even taken together, I find that the benefits associated with the proposal would not be sufficient to outweigh the harm that I have identified, and the resulting conflict with the development plan.

### **Conclusion**

26. Although I have found that the proposal would not cause unacceptable harm to the character and appearance of the area, this does not outweigh the harm that I have found would be caused to the living conditions of neighbouring occupiers and the unsatisfactory living conditions for future occupiers of the development. The proposal would conflict with the development plan when it is read as a whole and there are no material considerations which indicate that a decision contrary to the development plan should be reached.
27. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*J Bowyer*

INSPECTOR