



Appeal Decision

Site visit made on 9 April 2021

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2021

Appeal Ref: APP/A5270/W/20/3262842

41 The Broadway, Southall UB1 1JY

- 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 Vohra, Hampstead International Limited against the decision of the London Borough of Ealing Council.
 - The application Ref 203162FUL, dated 12 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is retrospective planning application to use the upper floors as 3no. self-contained flats.
-

Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is the effect of the standard of accommodation on the living conditions of the occupiers of the flats.

Reasons

3. The appeal site comprises three self-contained flats above a commercial property on The Broadway. Access to the flats is from Punjab Lane and all three flats are currently occupied. The Broadway is a busy main road and whilst Punjab Lane is a back street running parallel to The Broadway it serves the commercial premises and a multi-storey car park as well as the flats.
4. Two of the flats are on the first floor and the third is on the second floor. The second floor flat, Flat A, is of a reasonable standard and provides separate living room, kitchen and bedroom plus a small room described as a study and an narrow WC/shower room. The main living space overlooks The Broadway and at the time of my site visit it was bright and airy. Although the bathroom is on the small side, the accommodation generally provides an acceptable standard of living accommodation.
5. The two flats on the first floor give me cause for some concern. Flat B is on the front of the property and has large windows overlooking The Broadway serving a double bedroom and a smaller room, described as a study. There is also a modest sized bathroom. The main living space serves as an open plan living and kitchen area. This is of a reasonable size but has one window which effectively is an internal one, opening onto a shared access area for this and the other flats. As the main living area, I consider that this is substandard. The

third flat is located at the rear of the building and again has an open plan living and kitchen area, a double bedroom and a bathroom/shower. The windows from the bedroom and bathroom/shower overlook Punjab Lane. The window to the living/kitchen area is set above the external staircase serving all three flats but the levels are such that there is no significant harm regarding privacy. Whilst the outlook from this flat is not ideal it is just about acceptable. However, the overall size of the flat is quite small.

6. Development Management policies 7A and 7B¹ seek to ensure good standards of amenity. The decision notice also refers to the 2016 London Plan² and the Technical Housing Standards³. The 2020 updated London Plan⁴ sets out in Policy D6 and Table 3.1 housing quality and standards and the minimum internal space standards for new dwellings. These are similar to the Technical Housing Standards referred to in the decision notice and do not alter the thrust of the main issue for consideration in this appeal.
7. In accordance with the quoted standards, the smallest level of acceptable accommodation i.e. one bedroom, one person with a shower room, should be a minimum of 37 square metres. According to the submitted plans, Flat C would be 35 square metres and indicates that it would be a one bedroom two person flat. The notation on the plan indicates that this accommodation would be for two people but for two people the space provided should be a minimum of 50 square metres. Therefore, for one person it is slightly below standard and for two people it would be more so.
8. Flat B is described as a one bedroom 2 person flat and just about meets the minimum standard in terms of space i.e. the plans note it is 51 square metres. However, my main concern with this flat is the lack of natural light and ventilation, in particular to the living/kitchen area. Given that this is the main living space within the flat this would conflict with London Plan Policy D6 in terms of providing sufficient daylight and sunlight.
9. The Broadway is a busy main road (A4020) with a mixture of shops and commercial premises and at the time of my site visit it was noisy with the general level of activity associated with such an area. Whilst the ground floors along the Broadway are in commercial use it would seem that upper floors provide living accommodation. Punjab Lane was also busy at the time of my site visit with the comings and going that would be typical of a street behind such a busy main road plus access to the multi-storey car park.
10. Living in such a location has its advantages in terms of being close to a range of facilities and services and the associated noise levels and general activity are generally accepted as part of that. I do not consider that this location, in itself, is justifiable cause to restrict the living accommodation at the appeal site. Also, I have no reason to believe that adequate storage for refuse bins is not available to accommodate the needs of the occupiers of the flats. None of these matters weigh against my decision.

¹ Development Management Development Plan Document, Adopted 10 December 2013.

² Mayor of London The London Plan The Spatial Development Strategy for London Consolidated with Alterations Since 2011, March 2016.

³ Department for Communities and Local Government. Technical housing standards – nationally described space standard, March 2015.

⁴ The London Plan – Publication London Plan December 2020 The Spatial Development Strategy for Greater London, December 2020.

11. Notwithstanding all matters raised, the concerns I have raised indicate that the underlying problem is that three self-contained flats cannot provide the standards required in order to provide acceptable living accommodation. I am particularly concerned about Flats B and C for the reasons set out above.
12. On balance therefore, I consider that the standard of accommodation would be harmful to the living conditions for the occupiers of the flats. I have taken all other matters into consideration but none alter my conclusion. I conclude that the proposal is unacceptable, it would conflict with the policies refers to above and therefore the appeal fails.

J D Clark

INSPECTOR