

Appeal Decision

Site visit made on 27 May 2021

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th June 2021

Appeal Ref: APP/A5270/W/20/3265376
32 Farndale Crescent, Greenford, UB6 9LL

- 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 A Nazaryan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 202697FUL, dated 10 July 2020, was refused by notice dated 20 October 2020.
 - The development proposed is demolition of the existing house and construction of a two storey building to accommodate 4 residential units.
-

Decision

1. The appeal is dismissed.

Main Issues

2. There are three main issues. Firstly, the effect of the proposed development on the character and appearance of the semi-detached pair and the street scene of Farndale Crescent; secondly, the effect of the proposed development on the living conditions of neighbouring occupiers at 34 Farndale Crescent with respect to privacy; and thirdly, the effect on the living conditions of future occupiers of the proposed dwellings with respect to internal and external space, sunlight/daylight and outlook.

Procedural matter

3. The Council modified the description of development to: "Construction of a two storey residential dwelling comprising four flats, excavation of basement and accommodation in the roof space; associated parking, amenity space and refuse storage (following demolition of existing house and garage)". I consider this describes more accurately the development proposed.

Reasons

4. The appeal site currently comprises a modest semi-detached bungalow and a detached garage set on a wide and prominent corner plot. The site lies in a quiet, tree-lined, suburban, street characterised by other pairs of bungalows and some detached and semi-detached dwellings. Many of the properties have undergone extension, including roof alterations to provide loft rooms. The
-

appeal dwelling has roof lights and a bedroom in the roof space. Its attached pair has been significantly extended to the side and rear at ground floor and through roof extensions and is understood to have been permitted as a residential care home for up to five children and up to four staff (two at night).

5. The proposed development would involve the demolition of the existing bungalow and garage and their replacement with a building comprising four two-bedroom flats. In order to achieve this the site would be excavated so that the ground floor and two parking spaces on the frontage would be set down at semi-basement level. Below part of this there would be a full basement and above there would be a first floor set above street level and, above that, accommodation in the roof space.
6. The footprint of the proposed building would be significantly greater than the existing footprint, extending built development noticeably closer to the side boundary with Farndale Crescent and reducing the depth of the rear garden to about 5m. The hipped and pitched roofs which would be some 0.9m higher than the existing dwelling at the ridge would extend over the entire footprint and although there would be a step down in height towards the side boundary there would be a substantial increase in the bulk of built development at the site on this prominent corner plot.
7. The appellant points out that the footprint of the adjoining dwelling is only a little below that proposed at the appeal site and I noticed that No 34 to the rear has extensions to the side and rear. However, in both cases the extensions are single storey and low profile meaning that they have a limited presence when seen from the street. By contrast the proposed building would, through its substantially greater size and bulk, including the visible semi-basement, the degree of plot coverage and its prominent corner location, have a character that jarred with the established modest, suburban character of Farndale Crescent. The impression of overdevelopment would be exacerbated by the excavated parking area, frontage fencing and prominent, streetside bin storage enclosure.
8. The Council is concerned that the proposed development would unbalance the semi-detached pair of bungalows. There is already a mismatch between them in terms of roof height due to the topography of the street. In addition, No 30 has been significantly extended to the side. Nevertheless, although the architectural style of the proposed flats would echo that of bungalows in Farndale Crescent, it would not reflect the position or design of the characteristic forward projecting curved bays which provide a sense of uniformity, symmetry and rhythm in the street. Instead, the proposed bays would be flat fronted and the projection would be minimal, with the central semi-basement projecting further forward. I therefore agree that the cumulative differences in scale and design would result in a new building that failed to provide a sense of balance with its semi-detached pair. This would add to its incongruous appearance in the street scene.
9. It is concluded on the first main issue that the proposed development would have a materially detrimental effect on the character and appearance of the semi-detached pair and the street scene of Farndale Crescent. In consequence, it would conflict with Policies 7.4 and 7B of the Ealing Development Management DPD (DPD), 2013, Policy D3 of the recently adopted London Plan (LP) 2021 which has superseded earlier Policies 7.4 and 7.6 and the National

Planning Policy Framework (NPPF). Taken together and amongst other things these expect new development to be visually attractive as a result of good architecture that is sympathetic to and responds positively to local distinctiveness and character through layout, scale and appearance.

10. Turning to the living conditions of neighbours, the first floor windows in the rear elevation of the proposed flats would be about 7m from the rear boundary which is shared with No 34 and marked by a fence about 150 - 160cm high and intermittent evergreen trees. The appellant suggests that these windows would not be materially higher than the existing ground floor windows and so would not result in overlooking. However, the section shown on drawing ref. PR4 rev 01 shows clearly that the first floor accommodation would be well above original ground levels and, using this plan in combination with the rear elevation plan ref PR3 rev 01, it appears that the proposed first floor windows would be materially higher than the existing rear windows. The appellant refers to the green outline of the existing dwelling on plan ref PR3 rev 01 which does show the new windows at approximately original eaves height but this appears to be at odds with the section which I consider is more likely to be accurate. In view of the limited distance to the shared boundary, the limited height of the boundary and the gaps between the trees I therefore find that overlooking from the proposed windows would result in a material loss of privacy to the rear garden and rear windows in No 34 which would be unacceptably harmful to the living conditions of occupiers of this dwelling.
11. It is concluded on the second main issue that the proposed flats would result in material harm to the living conditions of neighbouring occupiers at 34 Farndale Crescent with respect to loss of privacy. In consequence, it would conflict with Policy 7B of the DPD, Policy D3 of the LP which has replaced earlier policies, and the NPPF which, taken together, expect new development to secure a high standard of amenity for existing and future users which, amongst other things, delivers good levels of privacy.
12. Turning to the living conditions of future occupiers of the flats, the appellant has provided corrected gross internal floor areas for the flats and it does appear that all flats would offer more than the minimum nationally described space standard which is adopted into the London Plan 2021.
13. Nevertheless, Flat 1 would be set below original ground level in a semi-basement. Outlook from the living area and main bedroom would be below street level and restricted by boundaries and parked vehicles, resulting overall in a limited, poor quality outlook. Although the second bedroom appears to have a more open outlook towards the street, I am concerned that this may result in a loss of privacy for occupiers. Overall, the flat would therefore offer a poor quality of internal accommodation to future occupiers.
14. Flat 2 would be on two levels with the main bedroom and a living room in the basement with no outlook and little natural light. The main living area, kitchen and second bedroom would be in a semi-basement facing onto a sunken garden area and whilst they would receive adequate daylight, outlook would be limited resulting overall in an inadequate quality of internal accommodation.
15. Flats 3 and 4 would be mainly at first floor level, with the living areas and main bedrooms elevated above original ground level and illuminated by large

windows which would also provide an open outlook. Although the second bedrooms would be in the roof space and lit by roof lights I am satisfied that these would allow adequate natural light penetration and whilst outlook would be restricted this would be acceptable given that the majority of each flat offers a good standard of outlook.

16. Each flat would have an area of private outdoor space. However, I am concerned that Flat 3, one of the larger units, has a very narrow area of space wedged between the side boundary and the side elevation of the building and adjacent to the bin store. Overall, I am not satisfied that it would provide an attractive or functional sitting out area. I am also concerned that the sunken garden area for Flat 2, the largest unit, would, owing to its north-east facing aspect and set down below original ground level be a gloomy and unattractive area, despite its adequate size. The outside spaces for Flats 1 and 4 would be close to the street but fencing would provide privacy and although the sitting out area for Flat 1 would be sunken it faces south and I consider that both areas would provide adequate outdoor space for occupiers.
17. It is concluded on the third main issue that the proposed development would provide inadequate sunlight/daylight and outlook for occupiers of Flats 1 and 2 and that the outdoor spaces for Flats 2 and 3 would be of an inadequate quality. Overall, this would result in a harmful effect on the living conditions of future occupiers, despite the fact that all of the flats would meet the minimum internal space standards. In consequence, it would conflict with Policy 7B of the DPD, Policies D3 and D6 of the LP, and the NPPF which, taken together and amongst other things expect new development to be of a high design quality so as to provide functional layouts that are fit for purpose and deliver good levels of daylight, sunlight and privacy. However, I find no conflict with DPD Policy 3.5 or the private internal space standards set out in Policy D6 of the LP.
18. The appellant raises a number of other matters which he suggests weigh in favour of the proposed development, including the need for two-bedroom homes in the area, the fact that the area is in an accessible and sustainable location and the fact that the non-uniform character of the street would be more able to absorb change. However, I do not find that any of these matters taken separately or together, would alter or outweigh the harm resulting from the proposed development and identified above to the character and appearance of the area or the living conditions of existing and future occupiers.
19. For the reasons set out above and having regard to all other matters raised, including the representations of third parties, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR