



Appeal Decision

Site Visit made on 8 September 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 18th October 2021

Appeal Ref: APP/A5270/W/21/3272295

17 Regina Road, West Ealing W13 9EE

- 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 Raj Gupta against the decision of London Borough of Ealing.
 - The application Ref 205080FUL, dated 8 December 2020, was refused by notice dated 1 March 2021.
 - The development proposed is described as, 'conversion of existing rear garage into a studio flat with a single storey side extension and associated external amenity space'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide a suitable living environment for future occupiers with regard to private amenity space and internal space; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living environment

3. The proposal would include a private amenity area that would be some 6sqm. While a floor area of this size may meet the needs of a limited number of future occupiers, in this case the area would be further restricted by the dual use as the main entrance area to the site as well as to the building. Accordingly, given that both the gate to the garden and the doors to the building would have access into the private amenity space, there would be very little usable space for common furniture such as seating or for drying clothes. Therefore, while I note the proposed height of the boundary fence and the levels of light reaching the space, the private amenity space would not meet the needs of future occupiers.
4. While I acknowledge the indicative image provided by the appellant, since it appears to be larger than the proposed garden and does not show an entrance to the building, it is not directly comparable to the proposal.
5. Notwithstanding the approval of the conversion of the adjacent building to flats, some without private amenity spaces, limited further information is

before me regarding the circumstances of that scheme to allow a direct comparison to be made with this appeal. In any event, each case must be determined on its individual merits.

6. Outlook from the primary living space on the ground floor is provided only by the double entrance doors which face the tall boundary fence at close proximity. Accordingly, large parts of the space would lack outlook and the areas facing the doors would have views primarily of the fence. While I note the dormer window on the upper floor, given the slope of the roof and the extent of the floor area on the mezzanine level, it is unlikely that there would be views from the ground floor through the dormer window on the upper floor to the outside. As such the space would feel oppressive and would not provide a suitable living environment for future occupiers.
7. The proposal includes the use of the upper floor as a mezzanine area which could be used as a bedroom space. The ground floor space would meet the requirement in The London Plan The Spatial Strategy for Greater London March 2021 (London Plan) for a one person flat. However, the space in the mezzanine would be additional internal space with the potential to accommodate an extra bedspace and therefore another person and as such would constitute a two-person dwelling.
8. Furthermore, although the appellant has indicated that the mezzanine would be open to the ground floor, the drawings do not appear to show this. While there would not be a door at the top of the staircase, the mezzanine floor would occupy the full width of the upper floor and would be more akin to a second storey than a mezzanine. In any event, since the space could accommodate an additional bedspace, the proposal would constitute a two-person dwelling. The internal space would fall significantly short of the London Plan requirement for two-person two storey dwellings and given the dimensions of the internal spaces and the locations of the doors and stair, the space would not fit standard furniture as well as sufficient circulation space for two people to live comfortably.
9. While I note the scheme at No 19 Regina Road (No 19), since it was determined under a different development plan, it is not directly comparable to this appeal which must be determined on its individual merits.
10. Consequently, the proposed development would not provide a suitable living environment for future occupiers with regard to private amenity space and internal space. Therefore, it would conflict with the aims of Policies 3.5, 7B and 7D of the Development Management Development Plan Document Adopted December 2013 (DPD) which together require developments to comply with space standards, achieve a high standard of amenity for users and an appropriate contribution towards meeting additional demand for open space.
11. DPD Policy 7A relates to emissions and is therefore not directly relevant to this main issue.
12. The scheme would also conflict with London Plan Policies D3 and D6 which seek, among other things, development that achieve indoor and outdoor environments that are comfortable and inviting for people to use and deliver appropriate outlook.

Character and appearance

13. The area surrounding the appeal site is primarily characterised by two and three storey semi-detached and terraced dwellings in a traditional style that give the area a pleasant spacious character and appearance.
14. The existing building is single storey with a dormer window that is similar in form, style and siting to the building opposite at No 19. While the appeal building is clearly in need of some maintenance and appears to have been ancillary to the main building at No 17 Regina Road, it is in keeping in terms of style with the character of the area.
15. The proposal would result in a private amenity space that would be smaller than the neighbouring properties. However, given the reduced size of the building compared with most others in the area, the dwelling would not appear overly large for the size of the plot. In addition, while the scheme would depart from the prevailing pattern of development, the separation of the site has already occurred under a planning permission for the main building at No 17. Furthermore, the presence of this building as a separate dwelling would roughly reflect the property at No 19 opposite.
16. The proposal would not include any windows at ground floor facing the street. However, while the wall would be blank, the refurbishment works to the building and erection of a new wall and gate would improve the overall appearance of the site when viewed from the street and materials could be controlled by use of a suitably worded condition.
17. Consequently, the proposed development would not harm the character and appearance of the area. Therefore, it would not conflict with DMD Policies 7.4 and 7B which require developments to complement their street sequence and ensure a high quality of architecture among other things. It would also not conflict with the aims of Policy 1.2 of the Development Strategy 2026 Development Plan Document Adopted April 2012 (DS) which seeks high standards of design among other things. Since DS Policy 1.1 does not relate to character and appearance, it is not directly relevant to this main issue.
18. The proposal would not conflict with London Plan Policies D3 and D6 in this particular respect which seeks among other things, development of high-quality design that respond to the existing character of a place.

Other Matters

19. I note the sustainability of the location. However, since the scheme would not provide a suitable living environment for future occupiers, this has not altered my overall decision.

Conclusion

20. For the reasons given above the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu INSPECTOR