



Appeal Decision

Site Visit made on 10 August 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2021

Appeal Ref: APP/A5270/W/20/3264708

16 Hillcrest Road, Acton W3 9RZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Pear against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 202739FUL, dated 10 July 2020, was refused by notice dated 15 September 2020.
 - The development proposed is described as the conversion of existing property into 4 no. self-contained residential units with associated refuse storage and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's name shown above is as confirmed on the appeal form.
3. A new version of the London Plan (LP) was published in March 2021 and a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The parties have had opportunity to comment on the engagement of these new policy documents in relation to the appeal, and so will not be disadvantaged by my consideration of them.

Main Issues

4. The main issues in this case are the effect of the proposal on:
 - The living conditions of future occupants of the proposed flats, with particular regard to outlook and light;
 - The living conditions of neighbouring residents, with particular regard to parking, noise and disturbance; and
 - Whether proposed cycle parking storage facilities would be adequate.

Reasons

Living conditions of future occupants

5. The appeal site is one of a pair of Victorian semi-detached houses with front bay windows, located within a mainly residential area. Previously a single family dwellinghouse, the building is apparently undergoing conversion into two flats under a scheme that was granted planning permission in 2020¹ (the 2020

¹ Planning Application Ref: 181323FUL.

- scheme). The current appeal proposal would entail four flats, each with single aspect living accommodation.
6. While Policy D6 of the LP seeks to maximise dual aspect development, in conjunction with LP Policy D3 it allows for the possibility of denser, single aspect development in locations that are highly accessible by public transport, cycling and walking, as the appeal site is, subject to achieving, among other things, appropriate quality living conditions for residents. Policy 7B of the Ealing Development Management Development Plan Document (DMD) echoes the requirement for development to safeguard living conditions.
 7. Proposed Flat 2 would have extensive rear glazing and face onto a relatively substantial and uncovered rear lightwell. Flat 3 would have extensive front glazing at first floor level, and a relatively elevated location on the upper part of the building. Flat 4 would have extensive rear glazing at first floor level and a relatively elevated position in the building. Also, the proposed open plan living and kitchen arrangement of all four flats would contribute a sense of space and light to help counterbalance the lack of dual aspect. This combination of factors would contribute to a sense of light and outlook within the proposed living accommodation of Flats 2 to 4, and part of Flat 1, notwithstanding their single aspect configuration.
 8. The Internal Daylight Assessment undertaken by the appellant's light consultants reaches the view that the proposed flats would provide an acceptable internal environment. While I find no reason to take a different view regarding proposed Flats 2 to 4, I have the following concerns about Flat 1.
 9. Given its low level on the lower ground floor, the proximity of the lightwell's retaining wall as close as around 0.5m to the main part of the bay window, and the proposed grille covering of the lightwell, the bedroom of Flat 1 would have an unacceptably gloomy feel and sense of cramped enclosure. Given these adverse impacts, which would affect the flat's sole bedroom, the harm to the living conditions of future occupants of Flat 1 would be significant.
 10. In conclusion, the proposed development would harm the living conditions of future occupants of Flat 1. As such, the proposal would not accord with Policies D3 and D6 of the LP, and Policy 7B of the DMD which together seek to ensure that, among other things, development safeguards the living conditions of residents.
 11. Policies 3.5, 7A and 7.4 of the DMD focus on space standards, emissions and local character respectively, not the outlook and light aspects of living conditions. Thus, these policies are not engaged regarding this main issue.

Living conditions of neighbouring residents

12. The proposed four flats are likely to increase the number of occupants, compared to a single dwelling. That said, public transport, in the form of frequent trains via Acton Town tube station, and bus services, is highly accessible from the site. This is reflected in the area's PTAL 5 rating. The site is also within convenient walking distance of shops and facilities in the locality, including those on and around Gunnersbury Lane and High Street. Consequently, there would be a realistic prospect of a substantial degree of car-free living for future occupants of the development.

13. This would reduce the likelihood of the proposal causing harmful pressure on parking in the neighbourhood. Potential restriction, through Section 106 agreement, of future occupants of the flats parking in the local Controlled Parking Zone, albeit outside of evenings and weekends, would further reduce the risk of parking pressure.
14. The main entrance of the semi-detached building would remain its front door, which is separated from other dwellings in the vicinity by garden and street space. Also, the close-knit configuration of the proposed four flats is likely to encourage a considerate approach to noise levels among future residents at the property.
15. Given the above, it is likely that the comings and goings arising from the four proposed flats, which amount to two more than the number approved under the 2020 scheme, would not cause harmful noise and disturbance within the suburban neighbourhood context.
16. I do not underestimate local residents' concerns about these matters. Nevertheless, for the reasons set out above, I conclude that the proposed development would not harm the living conditions of neighbouring residents in terms of parking, noise and disturbance. As such, it would not conflict with Policies D3 and D6 of the LP, and Policy 7B of DMD, which together seek to ensure that, among other things, development safeguards residents' living conditions.
17. Also, the proposal would accord with the emphasis on car-free development as a starting point in places that are well-connected by public transport, in line with Criterion B of Policy T6 of the LP.
18. Policies 3.5, 7A and 7.4 of the DMD focus on space standards, emissions and local character respectively, and not parking, noise and disturbance. Thus, these policies are not engaged regarding this main issue.

Cycle parking

19. Cycle storage is proposed to the rear of the building, in the lightwell and at ground floor level. Subject to a satisfactory detailed cycle parking scheme being secured through planning condition, the proposed development would thus provide adequate cycle parking storage facilities. As such, it would accord with Policies D3 and T5 of the LP which seek to ensure that development encourages active travel through among other things, cycle parking.

Other Matters

20. Local residents have expressed concerns regarding the character of the area, loss of family accommodation and capacity of community facilities, which go beyond the reasons for refusal. As I am dismissing the appeal on other grounds, it is not necessary for me to address these matters further in this instance.
21. The absence of harm in terms of the living conditions of neighbouring residents, and cycle parking storage facilities are neutral factors that do not weigh in favour of the proposal.
22. The proposal would contribute to local housing supply in the form of four flats. Compared to the 2020 scheme, this would amount to two more flats, with a

total of one less bedroom. The development would have relatively convenient access to public transport and local facilities, with associated environmental and socio-economic benefit during and after construction. Together the benefits would be limited in scale, and not outweigh the significant harm identified.

Conclusion

23. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR