
Appeal Decision

Site visit made on 9 November 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th November 2021

Appeal Ref: APP/A5270/W/20/3253181
176A Uxbridge Road, Hanwell, W7 3TB

- 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 Americano Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref 193894FUL, dated 9 September 2019, was refused by notice dated 2 December 2019.
 - The development proposed is the formation of a new studio flat to rear with existing disused storage area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and LP Policy D6 is relevant now instead of previous LP design policies.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the future occupiers of the studio flat, having regard to outlook, light, private outside space and privacy.

Reasons

Living conditions

4. The appeal site comprises a narrow single storey building which has a front window, three side windows and entrance door facing a new residential development, and a rear roof light. It lies between the back of a terraced building, with a commercial ground floor, on Uxbridge Road and the flank of the residential development on Factory Yard, a narrow access road. The terraced building has a rear two storey extension/addition and yard area which adjoins the appeal building. The new residential building consists of flats and is two storey with gabled and mansard type roof accommodation above. Behind the appeal building, there is a single storey commercial unit.
5. The proposed studio flat would have an enlarged front window which would provide good outlook for occupiers using the front part of it. However, the studio flat building would be long and the side windows would be close to the

built flank of the new residential development and common boundary wall/fence treatments, between it and the commercial building behind. These windows would serve a significant part of the floorspace of the dwelling and as a result, overall outlook would be poor.

6. In respect of light, there would be a rooflight, larger than that existing, letting in light to the back section of the studio flat. However, there would still be significant areas between this and the front of this long building which would have a restricted natural light source. In this regard, the new residential building and wall/fence boundary treatments behind it, would be close to the side windows of the studio flat which would significantly block out light. As a result, there would be a gloomy and oppressive living environment for future residents.
7. Policy 7D of the Ealing Development Management Development Plan Document (DPD) 2013 states that a studio flat should provide 5sqm of private amenity space. There would be private outdoor space in front of the converted building, but this would be also used for the parking of a vehicle, cycle storage provision, refuse/recycling storage and a pedestrian access to the studio flat. The plans do not detail how the private space would be satisfactorily laid out, taking into account the multiple uses and purposes that have been designated for the frontage. Users of the space would also have a lack of privacy because it would be open to view from pedestrians using the service road limiting its usefulness.
8. Some flats in urban areas do not have private outside space but both local and national policy provide a strong emphasis on the provision of well-designed buildings and places for people to live and work. Amongst other matters, paragraph 130 of the National Planning Policy Framework (the Framework) requires developments to create places that promote health and well-being, with a high standard of amenity for existing and future users. Together with DPD Policy 7D, such a policy context would indicate the provision of amenity space to serve residents of new developments is necessary and important and the proposal would fail to achieve this
9. Based on what I saw on site and details before me, the neighbouring residential development would have acceptable private outside spaces to serve individual flats in form of terraces and balcony areas. There is no detailed evidence to refute the Council's view that this development complies with DPD Policy 7D amenity space requirements.
10. For all these reasons, the living conditions of the occupants of the studio flat would be unacceptable and accordingly, the proposal would conflict with Policies 3.5, 7B and 7D of the DPD and Policy D6 of the LP.

Other matters

11. The previous use of the building was storage and had this use continued, an application for a change of use to residential under the prior approval procedure of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) could have been applied for. However, such a scenario did not take place and even if it had, there is no certainty that approval would have been granted, which would significantly limit the weight to be given to such a consideration.

12. In 2018, an appeal was dismissed for a conversion of an existing flat into two smaller flats within the rear extension/addition of the terrace and the conversion of the building before me. However, despite the changes made to the scheme, the proposal would still fail to provide acceptable living conditions for residents for the reasons given.
13. The studio flat would meet the relevant floorspace requirements of LP Policy D6 but this policy also requires a minimum ceiling height of 2.5m for at least 75 percent of the floorspace (Gross Internal Area) of the studio flat. There is a dispute between the main parties as to whether the proposal meets this requirement. Had there not been substantive reasons to dismiss this appeal, further consultation with parties would have taken place to establish which party was correct.

Planning balance and conclusion

14. The studio flat would boost housing supply in a location with very good access to facilities, services, employment and public transport. Uxbridge Road has extensive range of shopping and services along it. The flat would be for private rented housing, possibly for a disabled occupant, in an area where there is a serious shortfall in both rented housing and affordable housing, as well as housing in general.
15. However, the harm to the living conditions of the residents would be significant and long-term, and the provision of one dwelling to housing supply would be negligible. Therefore, the adverse impacts of this proposal would outweigh its benefits and there would be a conflict with the development plan taken as a whole. Furthermore, even if the tilted test under paragraph 11 d) ii were to apply, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as whole. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.
16. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR