



Appeal Decision

Site Visit made on 16 November 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2021

Appeal Ref: APP/A5270/W/21/3271876

232 Horn Lane, Acton, London W3 6TG

- 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 V Gupta, Casey Ventures Ltd., against the decision of the London Borough of Ealing.
 - The application Ref 205296FUL, dated 23 December 2020, was refused by notice dated 9 March 2021.
 - The development proposed is described on the application form as 'Two storey rear extension and subdivision of existing 3 bedroom dwelling to create 2 x one bedroom flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (the Framework) was published in July 2021 and has replaced the 2019 iteration. The main parties were given the opportunity to comment upon the implications of the revised Framework.

Main Issue

3. The main issue is whether the proposed development would provide satisfactory living conditions for future occupiers in terms of light, outlook, ventilation and private outdoor space

Reasons

4. The appeal site lies within an area of mixed uses close to the centre of Acton. The proposed development relates to the ground floor and below ground level basement of a mid-terrace four storey building. To the rear of the property is a modest sized rear garden, enclosed on the northern boundary by a single storey commercial building, and on the eastern boundary by a four storey residential property.
5. The proposed development would result in the creation of two one bedroom flats, one at ground level, the other within the basement. They would replace an existing 3 bedroom flat spread across the two floors, which has 2 bedrooms on the ground floor, and a bedroom and living room/kitchen in the basement.
6. The kitchen/living area for the proposed basement flat would be located to the rear of the building with access to a raised garden. The extension and reconfiguration of the basement level would considerably increase the depth of

the kitchen/living room and bring the rear patio windows closer to the high gable wall of Nos 1-7 (odd) York Road. Views from the room would be dominated by the gable wall which would significantly restrict the outlook from the basement flat. In the absence of any meaningful outlook the living space would be unduly oppressive for its intended future occupiers.

7. During my site visit, which took place during the afternoon, I noted that artificial lighting was being used within the existing kitchen/living room. Any increased depth of the kitchen/living room would intensify the need to use artificial lighting. In the absence of access to natural light, the living space would be an unpleasant space within which to spend time.
8. The Council have concerns regarding the use of mechanical cooling systems, and the potential for the basement flat to overheat, however I have been provided with only limited evidence with respect to this matter. That said, I note that the only opening that would provide natural ventilation would be located at the rear of the building, which would be some distance from the rear part of the proposed kitchen/lounge and the bedroom. As a result, there would be a reliance on mechanical ventilation to serve those parts of the flat. In the absence of substantive evidence in this regard I am not convinced that a healthy environment would be provided for future occupiers. Moreover, I find that this issue is fundamental to the proposed development, and consequently a condition requiring submission of ventilation details, as suggested by the appellant, would not be an acceptable means of addressing the matter.
9. I acknowledge that existing rooms in the basement already have access to limited levels of daylight and natural ventilation. However, this does not justify the proposed development which would have an increased reliance on artificial light and mechanical ventilation.
10. The outdoor space available to the occupiers of the ground floor flat would fall short of the minimum requirement of 5 square metres for a 1-2 person dwelling, as set out in policy D6 of the London Plan 2021 and the Housing SPG 2012. The justification for this policy and guidance is that the home should become a comfortable place to retreat.
11. I note the appellant's comments regarding accessibility to parks, recreation and local amenity areas. In this regard I acknowledge that the appeal property is well connected to facilities and local services, however it is located in a high density location and I have been provided with no evidence to indicate where the open spaces are located. Consequently, I am not convinced that accessibility to these areas would compensate for the lack of on-site private amenity space for the ground floor flat.
12. Policy 7D of the Ealing Development Management DPD relates to contributions from new development resulting from increased demand for open space. In this regard I have no evidence to indicate that a change from one three bedroom flat to two one bedroom flats would increase demand. Consequently, I do not consider this policy is directly relevant to the appeal proposal.
13. In light of the above, I conclude that the proposal would result in a poor quality living environment for future occupiers which would be harmful to their living conditions. Accordingly, the scheme conflicts with policy D6 of the London Plan 2021, and the Housing SPG 2012. The policy and guidance, amongst other matters, seeks developments that provide sufficient sunlight and daylight, with

adequate passive ventilation that avoids overheating. They also seek private external spaces that are attractive and functional.

Other matters

14. I acknowledge the proposal would be subordinate to the existing building and would be of a design that respects the character of the property and its surroundings. I also accept that the proposed development would contribute towards the Council's housing targets by providing 2 small units of 1 or 2 person accommodation, in a sustainable location close to Acton Main Line Station, and within easy reach of facilities and services. However, the benefits of one additional flat would be limited. Moreover, support for new housing should not be at the expense of ensuring that all new development provides acceptable living conditions for future occupiers. Consequently, there are no other material matters that indicate the proposed development should be allowed.

Conclusion

15. There are no material considerations that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR