



Appeal Decision

Site visit made on 15 November 2021

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/A5270/W/21/3274128

296 Church Road, Northolt UB5 5AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Daniel Dhaliwal against the Council of the London Borough of Ealing.
 - The application Ref 210084FUL, is dated 8 January 2021.
 - The development proposed is the conversion of a single dwelling house into one three-bedroom flat at ground floor level and two studio flats at first floor level, re-provision of three car parking spaces at front driveway, provision of bicycle parking areas, bin storage and recycling facilities, and provision of private amenity areas. First floor rear extension and alterations to existing front porch.
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Decision

1. The appeal is allowed, and planning permission is granted for Conversion of a single dwelling house into three self-contained flats (one x 3 bedroom and 2 x studio flats); first floor rear extension, formation of balconies above existing single storey rear extension; alterations to existing front porch; provision of associated vehicle and cycle parking, bin storage and recycling facilities, provision of private amenity areas at 296 Church Road, Northolt UB5 5AP in accordance with the terms of the application, Ref 210084FUL, dated 8 January 2021, and the plans submitted with it, subject to the attached schedule of conditions.

Applications for costs

2. An application for costs was made by Mr Daniel Dhaliwal against the Council of the London Borough of Ealing. This application is the subject of a separate decision.

Main Issues

3. The main issues relevant to this appeal are:
 - the suitability of the site as a location for a residential development;
 - the effect of the development upon the character and appearance of the surrounding area;
 - whether appropriate living conditions would be provided for the future occupiers of the development; and
 - the effect of the development upon the living conditions of the occupiers of neighbouring properties.

Reasons

Suitability of the site

4. The appeal site consists of an existing dwelling located in a residential area. The surrounding area features a variety of dwellings. In addition, the surrounding area features a number of commercial uses. The appeal site is also near to some public transport routes.
5. By reason of the nature of the surrounding land uses and the existing use of the appeal site, the proposed development would represent a complimentary use. In addition, the proposal would also represent a moderate increase in the local level of housing within the vicinity.
6. The proposed development would be near to a number of facilities and services that would be of use to the future residents of the development. This would mean that the need for residents to travel to other areas would be diminished. However, should residents be required to travel to other areas, there would be access to public transport routes. This would reduce the reliance of the future occupiers upon private cars. In result the development would not have an adverse effect upon highway safety and the highway system.
7. Although some car parking has been provided, this represents a generally low provision. This is appropriate given the scale and location of the development. In addition, the development includes the provision of cycle storage. It would be possible to impose a planning condition requiring the provision, and retention, of such storage. Furthermore, as previously identified, residents would also have access to some public transport provision. Therefore, for these reasons, the development would not have an adverse effect upon air quality.
8. Although the appeal site is located near to a busy road, the evidence before me indicates that the development could be constructed with sufficient mitigation in order to screen any prevailing noise from the movement of vehicles in the surrounding area. In result, residents of the development would not be subject to an undue level of noise and disturbance.
9. Furthermore, the proposed development would bring the currently vacant building back into use. The submitted plans also demonstrate that it would be possible to provide an appropriate amount of refuse storage within the confines of the development.
10. I therefore conclude that the proposal represents an appropriate location for the proposed development. The development, in this regard, would accord with the requirements of Policies H1, H9, D3, DF1, T4, T5, T6, and SI1 of the London Plan (2021) (the London Plan); Policies 1.1, 1.2, 2.1 of the Ealing Development Core Strategy (2013) (the Core Strategy) and Policy 3.4 of the Ealing Development Plan Document (2013) (the Development Plan).
11. Amongst other matters, these seek to ensure that new developments support higher densities in areas with good transport accessibility; concentrate developments near to the A40 corridor; not lead to a deterioration of air quality; provide efficient use of housing stock; increase housing supply; ensure developments are sustainable; increase capacity of sites; provide a minimum of car parking; provide cycle storage; provide waste management; and assess and mitigate transport effects.

Character and appearance

12. The appeal site is located as part of a linear pattern of development. The surrounding dwellings are constructed to a variety of different designs. In addition, some of the neighbouring properties have been extended and feature balconies.
13. Therefore, whilst the proposed development includes the provision of a balcony and an extension, it would be viewed against a backdrop comprising a number of alterations to buildings. In result, this varied context would mean that the proposed development would not appear incongruous.
14. In addition, it would be possible to impose a condition that would secure the materials from which the extension would be constructed. This would mean that the extension would harmonise with the existing dwelling.
15. Furthermore, the proposed extension and balcony would be located to the rear of the dwelling. This reduces their prominence. Furthermore, a greater amount of screening would be provided through the layout of surrounding buildings. This means that the additions to the buildings would not be prominent when viewed from the surrounding area. In consequence, they would not lead to an erosion of the surrounding area's character.
16. The neighbouring property also features a balcony. Therefore, the proposed development when viewed alongside this context would not appear discordant or incongruous in this regard.
17. Although the proposed development would result in the insertion of an additional door in the front elevation, it would be viewed alongside a number of buildings within the surrounding area that are constructed to varying designs and scales. In result, this feature would not erode the area's character. For similar reasons, the proposed refuse and cycle storage would not have an adverse effect on the area's character.
18. I therefore conclude that the proposed development would not have an adverse effect upon the character and appearance of the surrounding area. The development, in this regard, would comply with Policy 7B and 7.4 of the Development Plan; and Policy D4, GG1, HC3 of the London Plan. Amongst other matters, these seek to ensure that developments compliment their building pattern, scale and materials; be of a high quality of architecture; maintain design quality; seek to ensure changes to the physical environment to achieve an overall positive contribution and do not erode strategic and local views.

Living conditions of future occupiers

19. The proposed development would feature three dwellings arranged in the format of a single three-bedroom dwelling on the ground floor, with two studio apartments being provided on the first floor of the building.
20. By reason of the proposed layout, occupiers of the proposed development would have an appropriate level of light and outlook. In addition, the pattern of development within the surrounding area is such that the occupiers of the proposed development would feature an appropriate amount of privacy.

21. The layout of the proposed development is such that there would be a sufficient and proportionate amount of space within the dwellings for the undertaking of normal domestic activities and the storage of household items.
22. The residents of the development would have some access to outdoors areas and there would be some public open space within the wider surrounding area. In result, the occupiers of the future development would have access to areas where outdoors recreation might take place. This would take the form of access to the rear garden area of the site, in addition to the proposed balcony areas.
23. Although the proposed development would not feature direct access to the rear of the property, I do not believe that this would cause harm to the living conditions of the future occupiers of the development given the layout of the proposed development.
24. I therefore conclude that the occupiers of the development would experience appropriate living conditions. The development, in this regard, would conform with the requirements of Policy 3.5, 7B and 7D of the Development Plan and Policies D5, D6, D7 and D14 of the London Plan. Amongst other matters, these seek to ensure that developments provide adequately sized rooms; are of an inclusive design; are accessible; ensure good levels of daylight, sunlight and privacy; have access to open space; and avoid significant adverse noise impacts.

Living conditions of the occupiers of neighbouring properties.

25. The appeal site is near many other buildings. These are arranged in a linear form next to the appeal site, albeit there is some variation in terms of individual siting.
26. The appeal proposal would result in an enlargement of the existing building. However, due to the proportions of the extension and its positioning, combined with the provision of the balcony, the development would not result in a loss of light, outlook and privacy for the occupiers of the neighbouring properties.
27. Whilst the balcony would be located in an elevated position, any views would be typically made at an oblique angle and would not erode the privacy of the occupiers of the neighbouring properties.
28. Views from the proposed development would be generally made at oblique angles or would be diffused by the existing boundary treatments. Therefore, this arrangement would ensure that the privacy levels of the occupiers of neighbouring properties are not eroded.
29. Whilst the proposed development would, most likely, result in an intensification of the use of the appeal site. However, it would not result in an adverse effect upon the living conditions of the occupiers of neighbouring properties through increased noise and disturbance owing to the layout of the proposed development and its relationship with the neighbouring properties.
30. I therefore conclude that the development would not erode the living conditions of the occupiers of neighbouring properties. The development, in this regard, would conform with Policies 7A and 7B of the Development Plan; and Policies D5 D6 and D14 of the London Plan. Amongst other matters, these seek to ensure that developments do not erode the amenity of surrounding uses; ensure good levels of daylight, sunlight and privacy; avoid significant adverse

noise impacts; do not erode the living conditions of the occupiers of neighbouring properties; and take into account London's diverse population.

Conditions

31. In addition to the standard implementation condition, a condition specifying the approved plans is necessary in the interests of precision. A condition requiring that the extension is constructed from materials that match the existing building is necessary so that it harmonises with its surroundings. Owing to the nature of the proposed development and its location, it would be necessary to ensure that noise mitigation measures are in place. This would protect residents from external sources of noise in addition to minimising noise transmission within the building. As such details are likely to have an effect on the materials used in the development, pre-commencement conditions are necessary in this instance.
32. In order to ensure satisfactory living conditions and encourage a variety of means of travel, conditions requiring the provision, and retention of, cycle and waste storage are necessary and reasonable. I have amended the wording suggested by the Council in the interests of precision.
33. The Council has suggested a condition removing permitted development rights for the installation of new windows. As this is an existing building and owing to the pattern of development within the surrounding area, I am not satisfied that such a wide-ranging removal of permitted development rights would be necessary or reasonable. In consequence, I have omitted this condition.

Conclusion

34. For the preceding reasons, I conclude that the appeal should be allowed, and planning permission granted.

Benjamin Clarke

INSPECTOR

Schedule of Conditions

1. The development permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 Rev. 01; 02 Rev. 01; 03 Rev. 01; 04 Rev. 02; and 05.
3. All external materials to be used in the development shall match the appearance of those of the existing building and shall be consistent with those as listed within the submitted application form and the drawings/plans as listed in Condition (2).

4. Notwithstanding the details submitted, full details of cycle storage for six cycle spaces, including a secure, lockable compound shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter
5. Notwithstanding the details submitted, full details of refuse and recycling storage shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development hereby permitted. Development shall be carried out in accordance with the approved details, be fully implemented prior to the first occupation of the development hereby permitted, and shall be retained thereafter.
6. Prior to commencement of the development, a noise assessment (according to standards of the Council's SPG10) shall be submitted to, and approved in writing by, the Local Planning Authority. The noise assessment shall include external noise levels from transport and industrial/commercial/cultural sources. Details shall demonstrate suitable orientation of habitable rooms away from major noise sources and include the sound insulation of the building envelope including glazing specifications (laboratory tested including frames, seals and any integral ventilators, approved in accordance with BS EN ISO 10140-2:2010) and of acoustically attenuated mechanical ventilation and cooling as necessary (with air intake from the cleanest aspect of the building and details of self-noise) to achieve internal room standards of SPG10 and noise limits specified by BS8233:2014. Details of best practicable mitigation measures to achieve these criteria also in external amenity shall be submitted.

A post completion sound assessment shall be carried out where required to confirm compliance with the noise criteria and details, including any mitigation measures, be submitted for the Local Planning Authority written approval before the premises are occupied. The approved details shall be implemented prior to occupation of the development and shall be retained thereafter.

7. Prior to commencement of the development, details shall be submitted to, and approved in writing by, the Local Planning Authority of an enhanced sound insulation value of at least 5dB above the Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas, namely kitchen/living/dining/bathroom above bedroom of separate dwelling. The assessment and mitigation measures shall be based on standards of the Council's SPG10 and the criteria of BS8233:2014. The approved details shall be implemented prior to occupation of the development and shall be retained thereafter.