



Appeal Decision

Site visit made on 14 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2022

Appeal Ref: APP/A5270/W/21/3277681

225 Western Road, Southall UB2 5HS

- 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 Amardeep Sahota against the decision of the Council of the London Borough of Ealing.
 - The application Ref 205160FUL, dated 16 December 2020, was refused by notice dated 17 May 2021.
 - The development proposed is construction of a new detached two bedroom house with refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether there would be acceptable living conditions for future occupants of 225 Western Road, with regard to the provision of private outdoor garden space.

Reasons

Character and appearance

4. The appeal site is located in a formally laid out residential area and comprises garden land to the rear of 225 Western Road, an end of terrace property that occupies a corner plot position alongside the junction of Manor Way with Western Road. In common with 223 Western Road on the opposite corner, No 225 has a deep rear garden, the end of which is devoid of substantial outbuildings. Consequently, there is a strong sense of spaciousness to the rear of the two properties and symmetry in the Manor Way street scene. Both these features are important positive attributes of the character and appearance of the locality.

5. The symmetry in the street continues beyond the gardens through two terraces that are essentially mirror images of one another. The terraces have a distinctive layout and design whereby the respective end properties form dominant outer wings by way of their front elevations standing further forward along a consistent building line. All the dwellings in this part of Manor Way are also two storeys with a pitched roof above, and the facing materials are largely pebbledash or brick, the stone cladding to the front and flank of No 225 appearing as a notable exception.
6. In the proposed scheme, the end of the rear garden to No 225 would be occupied by a two storey detached house. Due to its siting and mass, it would significantly erode the important sense of spaciousness and symmetry currently found in the Manor Way street scene. As its front elevation would project further forward than 2 Manor Way, it would also break the consistent building line of the paired outer wing properties in the neighbouring terrace, thereby rendering the new dwelling unduly prominent and further undermining the street's characteristic layout. Moreover, the proposed flat roof design and stepped front elevation, as well as the timber cladding of the first floor level, would result in the new dwelling having an incongruous appearance.
7. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the area. As such, it would conflict with Policies D3 and D4 of the 2021 London Plan (LP), and Policies 7.4 and 7B of the Council's 2013 adopted Development Management Development Plan Document (DPD). Amongst other things, these policies seek to ensure new development comprises high quality design which is informed by and complements local distinctiveness. It would also conflict with Section 12 of the Framework which promotes development that is sympathetic to local character and maintains a strong sense of place.

Living conditions

8. There is an extant planning permission¹ for the extension and change of use of No 225 from a single family dwelling to a House in Multiple Occupation (HMO) that would comprise 11 rooms for up to 17 people. While there is no development plan policy which specifically sets out garden space requirements for such HMOs, both the main parties have contrasted the proposal with the standards for flats required under Policy 7D and detailed in Table 7D.2 of the DPD.
9. The Council has not sought to challenge the appellant's calculation that the remaining private garden area for the HMO would be 138 sqm. In Table 7D.2, the minimum baseline requirement of private garden space for flats is 5 sqm per 1-2 person unit, plus 1 sqm for each additional occupant. Therefore, had the HMO been 11 flats, the minimum baseline requirement would be met. There would also be further space available that would contribute towards the need for communal space for recreation and landscaping expected in Table 7D.2. However, in the case of the HMO, the entire provision would be communal and the space would be of a sufficient size to accommodate the arising needs, notwithstanding Table 7D.2 referring to a 'typical' provision of 15 sqm per flat.

¹ Council Ref: 201224FUL

10. Accordingly, while the proposed development would lead to a substantial reduction in the private outdoor garden space at the potential HMO, this would not be to a level that there would be unacceptable living conditions for future occupants of the property. As such, the proposed development would not conflict with the aims of Policy 7D, or Section 12 of the Framework which seeks a high standard of amenity for future occupiers.

Other Matters

11. The appellant has drawn attention to several recently approved dwellings elsewhere in the Borough that are located to the rear of properties and which have a flat roof design. However, the full details of those developments and the character of their surroundings have not been provided. Furthermore, it is apparent from the description of the schemes that the majority involved the redevelopment or conversion of existing buildings. It has therefore not been demonstrated that they are directly comparable, and they do not justify the harm that would arise from the proposal which has been considered on its own merits and with regard to its particular location and circumstances.
12. While the Council's reasons for refusal referred to Policy D6 of the LP and Policy 3.5 of the DPD, there is no identifiable conflict between the proposal and those policies.

Planning Balance

13. Notwithstanding the finding on living conditions, the identified harm in relation to character and appearance, and the subsequent conflict with the development plan, are matters which are afforded substantial weight. Benefits of the proposal include the provision of an additional market dwelling in a sustainable location. There would also be economic benefits associated with the dwelling's construction and subsequent occupation. However, as the net gain is just one dwelling, it would make a very limited contribution to the local housing supply and the economy. The harm arising would therefore clearly prevail relative to any benefits, (inherent in that reasoning, significantly and demonstrably).

Conclusion

14. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR