



Appeal Decision

Site visit made on 14 February 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2022

Appeal Ref: APP/A5270/W/21/3278479

17 Regina Road, West Ealing W13 9EE

- 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 Raj Gupta against the decision of the Council of the London Borough of Ealing.
 - The application Ref 213172FUL, dated 20 April 2021, was refused by notice dated 14 June 2021.
 - The development proposed is described on the application form as 'conversion of existing rear garage into a studio flat with a single storey side extension and associated alterations to fenestration and external amenity space'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. The main parties were given the opportunity to comment on the relevance of this to the appeal. I have had regard to any comments received and the revised Framework in my decision.

Main Issues

3. The main issues are whether the development proposed would provide satisfactory living conditions for future occupiers, with particular regard to internal space and external amenity space; and the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The appeal site relates to a detached outbuilding situated to the rear of 17 Regina Road. The outbuilding fronts onto Sydney Road and has previously been used as a garage but is currently vacant. It is single storey in height with space within the roof accessed via an internal staircase. Planning permission has been granted to convert the main building, No 17, into flats¹.
5. The appeal scheme is broadly similar to a previously refused application, which was subsequently dismissed on appeal². The current scheme includes some differences, notably the removal of the mezzanine floor, reduction in the height

¹ Council ref 201050FUL

² Council ref 205080FUL, Appeal ref APP/A5270/W/21/3272295

of the new wall and gate to the frontage of the building and the introduction of a new window to the front elevation.

6. The proposed single storey, one bedroom studio flat would have a floorspace of 37sq.m and would therefore meet the minimum floorspace requirement for this unit type, as set out in Policy D6 of the London Plan (2021). Although the mezzanine floor has been removed from the current scheme, the Council considers that a staircase and second floor level could be installed at a later date to provide a usable space without the need for planning permission. As a two person, two storey dwelling the proposal would fail to meet the minimum floorspace requirement of the London Plan. Irrespective of this, ensuring acceptable living conditions for future occupiers goes beyond meeting minimum floorspace thresholds.
7. On the basis of the evidence before me, including my own observations on site, and in the absence of any substantive evidence to the contrary, I consider that the living area would receive sufficient natural daylight from the windows and doors in the northern and western elevations of the building. However, given the height and proximity of the proposed boundary treatment, the entrance doors would feel enclosed and have an oppressive outlook towards a fence and wall. The new window to the front elevation and the existing dormer would be unlikely to provide a satisfactory outlook given the height of these above floor level. Consequently, the proposed internal space would not be of an adequate standard to meet the day to day needs of future residents and would create an oppressive and confined form of development.
8. The external amenity space would comprise an entrance patio which would be about 6sq.m and would therefore exceed the minimum required under London Plan Policy D6 for a 1-2 person dwelling. However, this space would be partly taken up by bin storage, an entrance gate and main doors into the building. It would be hemmed in by walls and a fence and so would be very confined in nature, such that it would have a restricted outlook. I therefore consider that the external amenity space proposed would not provide a usable space for future occupiers of the development. The indicative image of the proposed amenity space provided by the appellant appears to show a more sizeable outdoor space which is not comparable to the appeal proposal.
9. The appellant contends that a flexible approach has been taken in relation to the conversion of No 17 into flats, where some of the units would not have access to the rear garden. However, there is limited evidence before me regarding the circumstances of that scheme. Accordingly, I cannot draw any direct comparison between that development and the appeal proposal and so cannot be sure that it represents a direct parallel to the proposal. In any case, I have determined the appeal on its own merits.
10. I acknowledge that the dwelling to the rear of 19 Regina Road shares some characteristics with the appeal proposal. However, the details provided indicate that the building has a significantly larger floor area than the appeal proposal. Furthermore, it was granted permission prior to the adoption of the current development plan and is not comparable to the appeal proposal.
11. The appellant also draws my attention to a building to the rear of 51 Regina Road, which obtained planning permission to be converted into a dwelling. Although no substantive details of that permission have been provided, during

my site visit I observed that the building to the rear of No 51 is larger and offers more spacious accommodation than the appeal building.

12. For the above reasons, I consider that the proposal would not provide satisfactory living conditions for future occupiers, having regard to the standard of both the internal space and external amenity space. The proposal would therefore conflict with Policies 3.5, 7B and 7D of the Ealing Development Management Development Plan Document (2013) (DPD), Policies D4 and D6 of the London Plan and the Framework. Amongst other things, these seek to ensure that development achieves good design, a high standard of amenity for future users and makes an appropriate contribution towards additional demand for open space. Policy 7A of the DPD, which the Council consider to be relevant, refers to emissions which is of limited relevance to this main issue.

Character and appearance

13. The outbuilding, which is currently in a dilapidated condition, has a pitched roof with a dormer facing towards Sydney Road. The surrounding area is residential and consists predominantly of traditional two storey semi-detached and terraced properties. These are generally set back from the road with small front gardens and larger, private rear gardens which contributes positively to a pleasing spacious character.
14. While the proposed dwelling would be of notably smaller scale than other dwellings in the area, it would be of broadly similar scale and appearance to the dwelling on the opposite side of the road to the rear of No 19. Historically the building would have been ancillary to No 17. However, the plot has been severed from No 17 such that it no longer performs an ancillary function.
15. It is proposed to erect a single storey extension with a flat roof to the side of the building. The extension would be of modest scale, set back from the front elevation and would be clearly subservient to the existing structure. A new wall and gate would be erected to the front which would be lower than the existing wall. The high-level window inserted in the front elevation of the building would add some visual interest and be similar to the window to the front of the building opposite.
16. I therefore find that the proposed extension and alterations to the building would be sympathetic to the character of the building and the wider area. Moreover, the proposed conversion works and refurbishment would improve the appearance of the building and the street scene more generally.
17. The proposed dwelling would be served by a noticeably smaller garden than the majority of properties in the surrounding area which would not reflect the pattern of development in the surrounding area. However, the outbuilding already sits on a small plot relative to neighbouring properties and the size of the garden would not be dissimilar to the garden serving the dwelling to the rear of No 19.
18. For the above reasons, I conclude that the development proposed would not be harmful to the character and appearance of the area. In this respect, the proposal would accord with Policies 7.4 and 7B of the DPD, Policies 1.1 and 1.2 of the Ealing Development Strategy 2026 (2012), Policies D3 and D6 of the London Plan and the Framework. These policies require, amongst other things,

that development is of high quality design that respects local character and appearance.

Other Matters

19. I note that the Council has raised no concerns in relation to the effect of the proposal on the living conditions of neighbouring occupiers. Compliance with the development plan in respect of this, or other matters, carries neutral weight.
20. I also note the appellant's concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.

Conclusion

21. The development would offer potential benefits in terms of providing additional housing in a sustainable location. It would also have economic benefits through employment opportunities created during the construction phase of the development, Council tax revenue and spending in the local area by future occupants. However, given the modest scale of the development proposed, the weight attributable to these matters is limited.
22. I find that the proposal would not be harmful to the character and appearance of the area. However, I consider that it would not provide acceptable living conditions for future occupiers of the development. I have considered the benefits of the proposal, however, these matters do not individually or cumulatively outweigh the harm I have identified.
23. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

M Ollerenshaw

INSPECTOR