
Appeal Decision

Site visit made on 10 May 2022

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 July 2022

Appeal Ref: APP/A5270/W/21/3288731

7 Saxon Drive, Acton, London W3 0NU

- 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 Mrs Lubna Ollerhead against the decision of London Borough of Ealing.
 - The application Ref 216029FUL, dated 7 October 2021, was refused by notice dated 22 November 2021.
 - The development is described on the application form as 'Retrospective application for conversion of existing single dwelling into 3no residential units'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit No 7 had been substantially converted into a number of units. The appellant has described the scheme as retrospective, and I have approached the appeal with that in mind.

Main Issues

3. The main issues are:
 - whether the development would provide acceptable living conditions for future occupiers, with particular regard to internal space;
 - the effect of the development on the character and appearance of the surrounding area, including any impact on the living conditions of the occupiers of 9 Saxon Drive arising from the position of the entrance to the ground floor flat, with particular regard to noise and disturbance; and
 - whether the development provides adequate cycle and refuse storage facilities.

Reasons

Living conditions – future occupiers

4. The Council's Officer Report sets out the floorspace of the proposed residential units and contends that the accommodation provided in first and second floor flats would fall below the minimum space requirements, as set out in Policy D6 and table 3.1 of the London Plan (2021) (LP). The figures used by the Council

correlate with those provided by the appellant in their Design and Access Statement.

5. Since the Council's refusal, the appellant has re-measured the floor area of the units with greater accuracy than the initial figures. On the evidence before me the differential results from minor adjustments to measuring points means that the first floor flat fractionally exceeds the 50 sqm floorspace required.
6. The appellant accepts that, even after re-measuring the floor areas, the second floor flat has a floor area of 29 sqm. And that is even accounting for a headroom above 1.5m. That said, for the purposes of the space standards, usable floor area is defined as space where there is a minimum of 2.5m between the finished floor level and finished ceiling level. Consequently, when judged against the adopted standard, the usable floorspace provided in the second floor flat falls significantly below the requirement for a 1 bed 1 person flat.
7. I have carefully considered the appellants arguments including reference to providing storage in areas where the ceiling is low. However, in the light of the importance of high quality living conditions in an urban environment as also sought by the National Planning Policy Framework (the Framework), on a fair reading policy D6 is clear that floorspace requirements 'must' be met. There is no compelling justification in the evidence for accepting lesser standards in this instance
8. In light of the above the development is contrary to Policy D6 and table 3.1 of the LP, the Housing Supplementary Planning Guidance 2016 (SPG), Technical Housing Standards – nationally described space standard 2015, and Policy 3.5 of the Ealing Development Management Development Plan Document 2013 (DPD) which, in summary and with varying emphases in different ways, seek to ensure high quality living standards. Similarly, paragraph 130 of the Framework seeks, amongst other matters, to create places that promote health and well-being, with a high standard of amenity for future users.

Character and appearance

9. The appeal site lies in a residential area comprising predominantly two storey semi-detached and terraced properties. Properties are set a modest distance back from the road and utilise a similar palette of materials.
10. The front door to the ground floor flat is set part way along the side elevation of the host property. It lies between 2 properties that are set approximately 2m apart and is not clearly visible from Saxon Drive. During my site visit I noted that other properties within Saxon Drive also had doors within their gable elevations. Consequently, this element of the development is not out of character with its surroundings.
11. The door faces onto the gable wall of 9 Saxon Drive, which has 2 clear glazed windows containing opening lights. At the time of my visit there was no boundary wall, fence or other means of enclosure to define the common boundary between Nos 7 and 9.
12. The appeal site is located in a tight knit urban area where I saw that a fair level of noise and residential comings and goings occur. As such there is nothing substantive to indicate that the development would cause undue harm to the

living conditions of neighbouring occupiers by reason of its position or associated noise or disturbance.

13. For the reasons above, I conclude that the development integrates acceptably with the character and appearance of the surrounding area. Furthermore, subject to a condition requiring the provision of a boundary wall or fence, the position of the entrance to the ground floor flat would unduly affect the living conditions of neighbouring occupiers, with particular reference to noise and disturbance. Therefore, in this respect the development is not be contrary to the relevant provisions of policies D3, D4, D6 and D14 of the LP 7.4, 7A and 7B of the DPD and guidance in Ealing's Interim Supplementary Planning Document 4 – Household Extensions. These policies and guidance, amongst other matters, seek developments that respond to local distinctiveness and deliver appropriate outlook, privacy and amenity.

Cycle and refuse storage facilities

14. The appellant acknowledges that the submitted drawings do not show where refuse provision would be made. Furthermore, no indication has been made with respect to the storage of cycles. It is regrettable that it falls to an appeal to deal with this matter, which should clearly have been addressed in the appellant's submissions initially. Nevertheless, from what I saw on my site visit, I am satisfied that there are locations within the appeal site that could accommodate any refuse/recycling requirements, and cycle storage needs associated with the development. This could reasonably be secured through an appropriate planning condition.
15. Therefore, I conclude that, subject to appropriate conditions, were the development otherwise acceptable, the development would provide adequate cycle and refuse storage facilities. Therefore, the development would not be contrary to policy T5 of the LP. This policy, amongst other matters seek to remove barriers to cycling and create a healthy environment within which to cycle. Furthermore, it would not be contrary to policies SI7 and SI8 of the LP and Ealing Council's Supplementary Planning Guidance 4 – Refuse and Recycling, which jointly seek to reduce waste.

Other Matters

16. I have found that, subject to conditions, there would not be harm with regard to the character and appearance and its consequential impact on the living conditions of occupiers of the neighbouring property, or in respect of cycle and waste storage, subject to appropriate conditions. However, a lack of harm would be neutral in my assessment of the scheme, and does not outweigh the harm I have found with regard to the living conditions for future occupiers.
17. I agree that small sites can contribute towards housing supply, and the Framework and the LP encourage provision in that respect. In that context the scheme would have certain benefits. Nevertheless, in this instance the benefits of the scheme would be numerical, rather than in terms of quality. Neither the support in the development plan, nor Framework, for new housing is at the expense of ensuring good design. Consequently, and even were the development acceptable in all other respects, there are no other material considerations that would justify allowing the appeal.

Conclusion

18. For the reasons given above, having considered the development plan as a whole, and all relevant material considerations, the appeal is dismissed.

John Gunn

INSPECTOR