



Appeal Decision

Site visit made on 28 June 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/A5270/W/21/3286068

4 The Mall, Ealing, W5 2PJ

- 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 A Sahota (Ecovia Limited) against the decision of London Borough of Ealing.
 - The application Ref 212142FUL, dated 26 February 2021, was refused by notice dated 6 May 2021.
 - The development proposed is described as "change of use of single family residential unit (Use Class C3) to house in multiple occupation (Large HMO) (Use Class Sui Generis); First floor rear/side extension; Second floor rear extension; Roof extension to rear (main) roof slope incorporating a balcony and installation of two roof lights to front roof slope".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Ealing Town Centre Conservation Area;
 - The effect on the living conditions of neighbouring occupiers;
 - Whether it would provide acceptable living conditions for future occupiers, and;
 - Whether it would provide acceptable storage for refuse, recycling and bicycles and the effect on parking demand.

Reasons

Conservation Area

3. The appeal site lies within the Ealing Town Centre Conservation Area (the CA). The Ealing Town Centre Conservation Area Character Appraisal (the Appraisal) recognises The Mall as one of the main thoroughfares in the CA, and that it contributes to one of the two Areas of Character in the CA as part of the main Shopping Centre. The CA has a Victorian and Edwardian architectural heritage dating from a time when Ealing was expanding and flourishing as one of London's more desirable suburbs, with the Shopping Centre predominantly comprising a mix of retail, office and civic functions.
4. The Appraisal considers The Mall to be a relatively well-preserved remainder from the days of the Victorian/Edwardian centre. The terraced parade at 1-20

The Mall dates from the late nineteenth century and contributes to a shallow curved frontage running from east to west and continuing onto The Broadway. This produces a townscape of strong incident, including a constantly changing sequence of views with landmark buildings acting as points of orientation. The Appraisal further notes that the roofscape of the core shopping area is very varied, with the street front along The Mall having a rather compact appearance with a very tight vertical rhythm. The Appraisal recognises the townscape of The Mall as being strongly diverse and probably one of the best preserved sections of the main thoroughfares in the CA. I agree with this assessment of the significance of the CA, and the contribution made by The Mall to it.

5. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. The appeal proposal includes two rooflights to the front roof slope of the property. Within the terrace of 1-20 five properties have rooflights on the front roof slope that are visible from street level. Four of these are located at the east end of the terrace, with only two of the properties having more than one rooflight. The appeal property is located toward the western end of the terrace, and the introduction of two rooflights to the front roof slope would therefore appear uncharacteristic in this location, and out of keeping with the general appearance of properties in the terrace.
7. Given the height of the building, projecting gable and relatively shallow roof pitch the rooflights would not be prominent features of the roof, either for the building or in the wider street scene. The Council do not consider that the proposed extensions to the rear of the property would affect the significance of the CA. There is considerable variety in both the character and appearance of the properties in the terrace as seen from the rear. The proposed extensions would not appear out of place within this context, and therefore I see no reason to disagree with the Council's conclusion. The harm to the significance of the CA from the proposed development would therefore amount to less than substantial harm.
8. The National Planning Policy Framework (the Framework) requires, where a proposed development would lead to less than substantial harm to the significance of a designated heritage asset, that this harm be weighed against the public benefits of the proposal.
9. The development would increase the accommodation provided within the site from four bedrooms to six, with four of the bedrooms having en-suite bathrooms. There is no indication that the rooms in themselves would provide unacceptable living conditions for future occupiers, although I shall address the living conditions of occupiers of the accommodation overall further below. As the increase in number of habitable rooms would be small, this attracts limited weight in favour of the proposed development.
10. The Framework requires that great weight should be given to the conservation of a designated heritage asset where a proposal would impact on its significance. In this instance, the limited weight accorded to the public benefits of additional accommodation would not outweigh the heritage harm resulting from the proposed development.

11. The appeal proposal would therefore cause harm to both the character and appearance of the CA. The proposed development would consequently conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (the DPD). Taken together these policies require that external fittings must complement the building and context.

Neighbour living conditions

12. The proposed rear extension would intrude on outlook from the neighbouring properties. Given the depth of the extension it would result in a significant increase in the sense of enclosure for neighbouring occupiers. While the extension would not be as deep as the existing rear projection to the property, it would particularly affect the occupiers of No 5 which has no rear projection above ground floor level.
13. The rear of the terraces faces to the north, and the extension would be set down from the maximum height of the building. Given these considerations, I am satisfied that the extension would not cause unacceptable harm to neighbouring occupiers through loss of light.
14. Nevertheless, the appeal proposal would overall be harmful to the living conditions of neighbouring occupiers. It would therefore conflict with Policy 7B of the DPD. This policy requires, amongst other criteria, that development achieve a high standard of amenity for users and for adjacent uses.

Future occupier living conditions

15. The proposal is for a six bedroom house in multiple occupation (HMO) across three floors, including five double bedrooms. For an HMO of this size the Council's HMO amenity standards require three bathrooms, each providing a bath, handbasin and toilet. They also require two kitchens, with one kitchen accommodating two cooking areas.
16. One communal kitchen is proposed, and therefore the proposal would fail to meet the Council's standards. The development would provide en-suite bathrooms to four of the bedrooms, but no details are provided of what facilities each would provide. One communal bathroom is proposed which would include a bath, but in the absence of other details it is not clear that the development would make acceptable provision for bathrooms.
17. The appellant suggests that the development would meet housing licencing requirements. I have not been provided with these requirements but, even if this is the case, the proposal would not meet the standards required for planning permission to be granted for the proposed HMO use.
18. The appeal proposal would fail to provide acceptable living conditions for future occupiers. It would therefore conflict with Policy 7B of the DPD and Policies D1, D3, D6 and H9 of the LP. These policies require, amongst other criteria, that development achieve a high standard of amenity for users and that housing development provide comfortable and functional layouts which are fit for purpose.

Refuse, recycling and bicycle storage and parking

19. No information is provided about the refuse storage or cycle storage that would be provided for the proposed development. The appellant suggests that these

matters could be addressed by condition, but it is not clear that there is space within the site to accommodate the necessary bins and cycle parking for a six-bedroom HMO. In the absence of this evidence it is not possible to say that cycle parking and bin storage could be contained within the site boundary without disruption to neighbouring occupiers.

20. The Council has referred to a potential increase in pressure on parking in the vicinity of the site. However, no evidence has been provided to show that parking pressure in the area would be significantly affected by the proposed development.
21. Overall, therefore, the development fails to show that waste and cycle storage arising from the proposed development can be accommodated within the site. The proposed development therefore conflicts with Policy T5 of the LP and Policy 7B of the DPD. These policies require, amongst other criteria, that development make provision for appropriate levels of cycle parking which should be fit for purpose and well-located, and that it achieve a high standard of amenity for users and for adjacent uses.

Other Matters

22. The Council referred to Policy D3 of the LP in its reason for refusal relating to the CA. This policy contains overarching principles relating to seeking good design in new development but is not directly relevant to the appeal proposal. It further referred to Policies D6 of the LP, 1.1, 1.2 and 4.1 of the Ealing Development Strategy April 2012 and 7.4 of the DPD in relation to neighbour living conditions. These policies refer to general design considerations and protection of natural light. The Council also referred to Policy D4 of the LP and Policy 3.5 of the DPD in relation to the living conditions of future occupiers. The first of these is a general design policy and does not appear to be directly relevant to this appeal. DPD policy 3.5 refers to space standards with which I have not been provided. The Council referred to Policy 7.5 of the DPD in its reason for refusal relating to waste and cycle storage and parking, but I have not been provided with a copy of this policy. It referred to Policy SI8 of the LP in the same reason, but this policy relates to the management of London's waste capacity, and it is not clear how it is relevant to the appeal proposal. These policies are not therefore determinative in my consideration of these issues.

Conclusion

23. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR