



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/21/3287875

114 Gordon Road, West Ealing, W13 8PJ

- 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 Adrian Mitchell against the decision of London Borough of Ealing.
 - The application Ref 215685FUL, dated 20 July 2020, was refused by notice dated 28 October 2021.
 - The development proposed is described as "part two/part single storey rear extension and rear dormer roof extension and conversion of house to 2no. 4 bedroom flats and a studio flat".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Internal works have been carried out to the property that would enable the proposed conversion. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - Whether the proposed development would provide acceptable living conditions for future occupiers;
 - The effect on highway safety;
 - Whether it would provide acceptable cycle storage; and,
 - The effect on the character and appearance of the area.

Reasons

Living conditions

4. Bedrooms 3 and 4 of the ground floor flat would have obscure glazed windows facing onto the flank walls of the neighbouring houses with very little separation distance. This would result in unacceptable outlook for the occupiers of these habitable rooms.
5. The proposed first floor rear extension would be built up to the windows of bedrooms 2 and 3 of the first floor flat. This would significantly restrict outlook from these windows, resulting in poor living conditions for future occupiers. Bedroom 2 would have a second window, but this would face onto the side

elevation of the neighbouring property and therefore would also have limited outlook.

6. The development would provide parking for three cars at the front of the house. This would be immediately in front of the windows to bedrooms 1 and 2 of the ground floor flat. Such proximity could cause disturbance for future occupiers. However, given the limited number of movements from three parking spaces and as the site is on a well-used street, the level of noise would not be so great that it would cause unacceptable harm to future occupiers.
7. Nevertheless, the proposed development would overall fail to provide acceptable living conditions for future occupiers. It would therefore conflict with Policy D6 of the London Plan 2021 (the LP). This requires, amongst other criteria, that housing development should be of high quality design and provide adequately-sized rooms with comfortable and functional layouts which are fit for purpose.

Highway safety

8. The proposed development includes parking for three cars on the forecourt. There is sufficient space to accommodate three cars, but the existing crossover is not centred on the property frontage and there is a street tree in front of the house. This would necessitate manoeuvring across the pavement for vehicles accessing the forecourt, potentially endangering the safety of other road users and obstructing the free flow of traffic.
9. The appellant has suggested that the proposed parking arrangement is no different to many properties on Gordon Road. However, even if that is the case, I do not consider that this is justification for a development that would increase highway safety risk.
10. The appeal proposal would therefore conflict with Policies T4 and T6 of the LP, and guidance in the Council's Supplementary Planning Document (SPD) on Crossovers and Parking in Front Gardens. Taken together, these require that development proposals not increase road danger.

Cycle storage

11. The appeal proposal would provide cycle storage in the rear gardens for the ground and first floor flats. However, this would be inaccessible if all three parking spaces were occupied due to the lack of space around the parked cars. In addition, no storage is proposed for the top floor flat, where Policy T5 of the LP requires one space per one-bedroom dwelling.
12. The appellant has suggested that this matter could be addressed by condition. However, taken together with the highway safety concerns it is not clear that these matters can be satisfactorily resolved in this way, even if I were otherwise minded to allow the appeal.
13. The appeal proposal therefore conflicts with Policy T5 of the London Plan which, amongst other criteria, requires the provision of appropriate levels of cycle parking which should be fit for purpose and well-located.

Character and appearance

14. The property has previously been enlarged with a rear dormer and a single-storey rear extension, the latter of which was granted prior approval by the

Council. The Council considers the rear dormer to be acceptable as it is similar in size to neighbouring dormers. I see no reason to disagree with this conclusion.

15. The proposed first floor rear extension would be both shallower and narrower than the ground floor extension, as well as that previously dismissed on appeal in a similar scheme last year. This revised extension would be set in from both side elevations of the house with a shallow pitched roof. The cumulative effect of the existing and proposed extensions would still be significant. However, I note that the extension proposed in this appeal would be similar to rear projections to the immediately neighbouring dwellings, both of which also have large rear dormers.
16. On balance, therefore, the proposed development would not be harmful to the character and appearance of the area. It would therefore accord with Policy 7.4 of the Ealing Development Management Policies Document 2013 (the DPD), Policies D1, D3 and D4 of the LP and guidance in the Council's SPD on Residential Extensions. Taken together these require that development complement the building pattern and scale of built areas and enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.

Other Matters

17. The Council referred to Policy 3.5 of the DPD in its reason for refusal relating to living conditions. However, from the evidence before me, it is not clear that this policy relates specifically to the issues raised. The Council also referred to Policy 6.3 of the DPD in its reason for refusal relating to highway safety but has not provided a copy of this policy. These policies are not therefore determinative in my assessment of this appeal.

Planning Balance

18. The proposal would create two additional dwellings, including one family dwelling. This would support the government's objective of significantly boosting the supply of homes.
19. However, the ground and first floor flats would not provide acceptable living conditions for future occupiers. In addition, the proposed development raises concerns about highway safety, and would fail to provide suitable cycle storage. These considerations outweigh the benefits that would arise from the additional dwellings created.
20. There are therefore no material considerations in this case that indicate this appeal should be determined other than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR