



Appeal Decision

Site visit made on 29 June 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2022

Appeal Ref: APP/A5270/W/22/3291128

33 Creffield Road, Ealing, W5 3RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by R Verma against London Borough of Ealing.
 - The application Ref 214121FUL, is dated 7 May 2021.
 - The development proposed is conversion of the existing property into five self-contained residential units and provision of associated cycle storage and refuse storage facilities; rear roof extension; single storey rear extension; alteration to external elevations, involving insertion of windows to side elevations; alteration to front and rear of property involving hard and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of the existing property into five self-contained residential units and provision of associated cycle storage and refuse storage facilities; rear roof extension; single storey rear extension; alteration to external elevations, involving insertion of windows to side elevations; alteration to front and rear of property involving hard and soft landscaping at 33 Creffield Road, Ealing, W5 3RR in accordance with the terms of the application, Ref 214121FUL, dated 7 May 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. The Council has not submitted any statement to indicate whether it intended to approve or refuse planning permission for the proposed development. I have framed the main issues and reasoning based on the evidence before me, including correspondence between the main parties prior to this appeal being submitted.
3. Amended proposed plans were submitted during the course of the application following discussions between the appellant and Council. I have determined this appeal based on the most recent revisions, as confirmed by correspondence between the main parties.

Main Issues

4. The main issues in the determination of this appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Creffield Conservation Area,

- Whether it would provide acceptable living conditions for future occupiers and the effect on the living conditions of neighbouring occupiers; and,
- Whether it would make acceptable provision for off-street parking.

Reasons

Creffield Conservation Area

5. The appeal site is in the Creffield Conservation Area (the CA). The Council's Management Plan for the CA notes that it was formally a rural area prior to the late nineteenth century when construction intensified and it became a suburban settlement. The Management Plan advises on the importance of development being sympathetic to the historic character of the CA. I find that the significance of the CA derives in part from the character of the buildings within it, particularly those that have retained much or all of their original form and appearance.
6. With specific regard to the appeal site, it is a detached double-fronted house of a character and appearance common within Creffield Road, including bay windows to the front with gables over. It shows little evidence of significant alteration when viewed from the street, and its largely original appearance contributes to the overall significance of the CA.
7. In accordance with the statutory duty set out in 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.
8. The proposed bin store would be prominently located at the front of the site. While it would be partly screened by the retained wall and new hedge, its siting would make it visible in the street scene. No details of its final appearance have been provided but based on the submitted drawings it would be a substantial structure. Front gardens in Creffield Road do not typically have such large structures. The bin store would therefore be out of keeping in the street scene and would fail to preserve the character of the CA.
9. Three conservation rooflights are proposed, with two on the front roof slope and one on the rear. The front rooflights would be sited between the twin gables to the front roof slope. They would be visible in the street scene, and while not prominent they would have a harmful effect on the appearance of the property. The Management Plan advises that rear rooflights will usually be acceptable, and I am satisfied that there would be no harm from the proposed rear rooflight.
10. The property would be extended to the rear at ground floor level, further to previously constructed extensions to the house. The proposed rear extension would be modest in scale, and in keeping with the character of the house. It would therefore preserve the character and appearance of the CA.
11. The proposed rear dormer would be set in from the eaves, ridge and sides of the roof. It would be similar in appearance to those on both neighbouring properties and would largely be screened from view in the wider area by the existing extensions to the house. Subject to being finished in appropriate materials, which can be secured by an appropriately worded condition, it would preserve the character and appearance of the CA.

12. The proposed development would also include other external works to enable the conversion to flats, including insertion of a new door and windows. These would not alter the overall character of the property or that of the wider CA.
13. There would be harm to the character and the appearance of the CA due to the uncharacteristic bin store and the proposed front rooflights. As the bin store would be screened in the street scene, and the rooflights would only be prominent from directly in front of the house due to the gables, this would amount to less than substantial harm to the significance of the CA. The appeal proposal would as a result conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013 (the DPD) and recommendations in the Ealing Housing Design Guidance document. Taken together these require that new development result in a positive visual impact, and complement the building pattern, detailing and context.
14. The National Planning Policy Framework (the Framework) requires that where a proposed development would result in less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall return to this matter below.

Living conditions

15. The five flats would each provide accommodation that would meet or exceed the standards set out in Policy D6 of the London Plan 2021 (the LP).
16. The ground-floor flats would each have small rooms identified on the submitted plans as study rooms. These rooms would have single windows facing onto the flank walls of neighbouring houses at a relatively short distance. I note from correspondence between the parties that these are regarded as non-habitable rooms, having been reduced in size from earlier proposals for them to be used as second bedrooms. Given this reduction in size I am satisfied that these rooms can be considered as non-habitable rooms, from which the reduced outlook and constrained natural light afforded by the orientation of their windows would be acceptable.
17. The layout of the ground and first-floor flats would include internal hallways that would not receive direct natural light. In my experience, this is not an uncommon arrangement. As hallways are not habitable rooms, I am satisfied that their being lit by artificial light or borrowed light from adjacent rooms would not result in unacceptable living conditions for occupiers.
18. The first-floor flats would both have secondary side windows facing their respective neighbouring properties. Subject to an appropriately worded condition securing obscure glazing for these windows these would not cause undue harm to the privacy of the neighbouring occupiers. The studio flat to be created within the roof would have a Juliet balcony facing to the rear of the property. However, outlook from this would be restricted by the pitched roof to the existing rear extension, and therefore this would not cause undue loss of privacy to neighbouring occupiers.
19. The appeal proposal would therefore provide acceptable living conditions for future occupiers and would not cause harm to the living conditions of neighbouring occupiers. It would therefore accord with Policy D6 of the LP which, amongst other criteria, requires that housing development be of high quality design with comfortable and functional layouts which are fit for purpose.

Car parking

20. Given that there would be fewer parking spaces than flats, this could lead to increased parking demand in the surrounding area. Restrictions on parking demand arising from a development would normally be secured via a legal agreement. However, this is an appeal against non-determination and the Council and appellant did not enter discussions about such a mechanism. Accordingly, it is appropriate in this instance to require via conditions that arrangements be made to limit parking at the site, and that no parking permits shall be issued for future occupiers.
21. The level of parking provision in association with the proposed development would consequently be acceptable.

Planning Balance

22. The Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
23. The proposed development would create four new dwellings overall. While there is no indication that the Council has a shortfall in its supply of deliverable housing land, this would support the government's objective of significantly boosting the supply of new homes.
24. The harm to the significance of the CA from the proposed development would be modest in scale. The Framework requires that great weight should be given to the conservation of designated heritage assets. In this instance, however, the public benefits of the four new dwellings would outweigh the heritage harm that would arise.
25. There are therefore material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

Conditions

26. I have had regard to the conditions suggested by the Council. Where appropriate I have amended the wording in the interests of conciseness and accordance with national Planning Practice Guidance.
27. I have imposed conditions relating to the commencement of works (1) and specifying the approved plans (2) for the sake of certainty. I have also imposed a condition requiring approval of details of external materials (3) to ensure that the finished appearance of the development would be acceptable in the CA.
28. A condition relating to the approval of landscaping details and implementation (4) is appropriate and necessary to ensure that these details are acceptable, including the final appearance of the bin store.
29. Conditions restricting the issuing of parking permits for occupiers of the flats (5) and requiring that the proposed parking spaces be provided on site (6) are necessary to control parking demand associated with the development.
30. A condition requiring adequate soundproofing of the flats (7) is necessary as the internal layout of the building would not always place like rooms next to

like. This could otherwise lead to noise disturbance to occupiers of neighbouring flats.

31. As the flank windows to the first floor flats would face the neighbouring properties at 31 and 35 Creffield Road, a condition requiring that they be fitted with obscure glazing (8) is necessary to preserve the privacy of the occupiers of these properties.

Conclusion

32. For the reasons set out above, the appeal succeeds and planning permission is granted.

M Chalk

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Existing plans – 001, 01101, 01102, 01201, 01202, 01203, 01204, 01301, 01302, 01303
Proposed plans - 1001 Revision C, 101101 Revision C, 101102 Revision C, 101201 Revision C, 101202 Revision C, 101203 Revision C, 101204 Revision C, 101301 Revision C, 101302 Revision C and 101303 Revision C.
- 3) Notwithstanding the details shown on the approved plans, no development shall commence above ground level until details of the materials to be used in the construction of the external surfaces of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include the front hedgerow and any other boundary treatments, refuse and cycle storage, and an implementation programme.

The landscaping works shall thereafter be carried out in accordance with the approved details and the agreed implementation programme.
- 5) Prior to occupation of any individual dwelling within the development the local planning authority shall be provided with each individual property's full postal address to allow the Council to exclude the properties from the list of those eligible for residents parking permits.

No occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation). Any occupiers of the approved development shall surrender any such permit wrongly issued or held.
- 6) Prior to first occupation of the flats hereby approved, two off-street vehicle parking spaces shall be provided at the front of the property in accordance with plan ref: 1001 Revision C and shall thereafter be retained for the lifetime of the development.
- 7) Prior to commencement of the development, details shall be submitted to the Council for approval in writing, of an enhanced sound insulation value of at least 5dB above the maximum Building Regulations value, for the floor/ceiling/wall structures separating different types of rooms/uses in adjoining dwellings/areas. The assessment and mitigation measures shall have regard to standards of the Council's SPG10 and noise limits specified in BS8233:2014. Approved details shall be implemented prior to occupation of the development and thereafter be permanently retained.

- 8) Neither first floor flat hereby permitted shall be occupied until the side windows facing 31 and 35 Creffield Road have been fitted with obscured glazing, and no part of any of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

End of schedule