

Appeal Decision

Site visit made on 5 September 2022

by Nichola Robinson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/A5270/W/22/3294236

182A Northfield Avenue, West Ealing W13 9SB

- 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 217138FUL, dated 10 December 2021, was refused by notice dated 10 February 2022.
 - The development proposed is rear dormer and extension over rear outrigger and front rooflights to create a new studio flat at roof level.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council of the London Borough of Ealing. A separate application for costs was made by Nancy Jones against the appellant. These applications are the subject of separate Decisions.

Main Issues

3. The principle of the proposed residential use is not opposed by the Council, subject to the development meeting other relevant policies. Against this background and from my assessment of the appeal, I consider the main issues to be:
 - The effect of the proposal on the character and appearance of the surrounding area; and
 - Whether the proposal would provide adequate living conditions for the future occupiers with particular regard to internal living space and external amenity space.

Reasons

Character and appearance

4. The appeal site is located towards the end of a terrace of residential properties set back from the highway behind low front boundaries and vegetation that partly screens domestic paraphernalia including bin storage. Like its non-residential neighbour, the site retains a commercial appearance, and, unlike the residential properties, these have no front boundary demarcation such that they are open and clearly visible from the road.

5. The planning history indicates that there are permissions for the use of the whole building as 3 residential units. This proposal would result in a fourth residential unit, with smaller units across the upper floors. Bin and bike storage has previously been permitted to the front of the building within the open front yard. The current proposal would require a larger bin store. While only marginally larger than that already permitted, nevertheless this would be more visually intrusive as a consequence.
6. Cycle storage facilities are proposed in the same location as those shown for an earlier permission. However, an additional cycle space is required that necessitates a bigger structure. The one shown on the plans and in the appellants example photographs show the need to remove one bike in order to access the second. With the potential for bikes to be owned by occupiers of different flats such an arrangement would be impractical if a fully secure facility were to be provided. While it may be possible to secure a suitable store via planning conditions, no details of a suitable example have been provided and it is likely that an even larger structure would be required.
7. Given the open nature of the site frontage and the location, made more prominent by the location at the end of the terrace, close to a junction, the bulky storage facilities likely to be needed as a consequence of the development would be visually incongruous. While some structures would likely be in this location as a consequence of the earlier permissions, the likely greater presence of those larger ones now required would be more harmful to the character and appearance of the area.
8. The proposal would therefore be contrary to the aims of Policies D3 and D4 of the London Plan (2021) (LP), Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012) and Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) (DPD) which, among other matters, seek to ensure that proposals respond to local character, complement the existing built environment and ensure good urban design. I also find conflict with the National Planning Policy Framework (the Framework) which sets out that development should be well designed and visually attractive.

Living conditions

9. LP Policy D6 and DPD Policy 3.5 set out minimum size requirements for Gross Internal (floor) Area (GIA). These reflect those in the Technical Housing Standards-Nationally Described Space Standard. The submitted plans show a studio flat with a floor space of 37m². The plans show that 30.5m² of the floor space would have a ceiling height exceeding 2.5 metres. Whilst the Council have assessed the proposal as a 1 bed-2 person flat I note that the application forms describe the proposal as a studio flat. The proposed plans also show an open plan studio layout which accommodates a single bed space that seems to follow principles for establishing such occupation set out in another appeal at Derwentwater Road. Despite an earlier version of plans showing a double bed, there is no compelling reason not to assess this proposal other than as a 1 bedroom 1 person studio flat. The proposal would meet the minimum GIA and floor height for a studio flat and would therefore provide adequate internal living space for future occupiers.
10. LP Policy D6 and DPD Policy 7D set out a minimum requirement for private outside space of 5m² for 1-2 person dwellings. The future occupiers of the

proposed studio flat would not be provided with any private amenity space. The proposal therefore conflicts with LP Policy D6 and DPD Policy 7D.

11. I note that permission has already been granted for the conversion of the appeal site to residential use, and that under these permissions all consented units except the rear ground floor unit would have no private amenity space. Furthermore, it is noted that the site is located close to the entrance of a large area of public amenity space at Lammas Park, in which some of the needs of the future occupiers can be met. In this context, I find no compelling evidence that specific on-site garden space is required for this proposal.
12. For the foregoing reasons I have found that this would not result in harm in relation to the living conditions of the future occupiers. Therefore, although there would be a conflict with Policy D6 of The London Plan (2021), the proposal would not conflict with the overall aims of Policy 7D of the Ealing Development Management Development Plan Document (2013). I also find no conflict with para 130 of the Framework, which requires that spaces are designed with a high standard of amenity for future users.

Other Matters

13. While the Council has raised some concerns about the mix of housing, it did not ultimately refuse permission for this reason. Therefore, I have no reason to find that material harm would arise in this regard.
14. I can see that the appellant is clearly dissatisfied with the Council's handling of the application and approach to decision making in this case. However, this has little to do with the planning merits of the case.

Conclusion

15. I find in favour of the appeal proposal in relation to the issue of living conditions. However, the appeal proposal would have an adverse impact on the character and appearance of the area. Consequently, it fails to accord with the development plan taken as a whole and there are no material considerations before me that would outweigh that conflict. Therefore, for the reasons given above, the appeal is dismissed.

Nichola Robinson

INSPECTOR