



Appeal Decision

Site visit made on 4 October 2022

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th OCTOBER 2022

Appeal Ref: APP/A5270/W/21/3287403

181A Noel Road, London, W3 0JJ

- 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 Malek El-Houry against the decision of the Council of the London Borough of Ealing.
 - The application Ref 212414FUL, dated 12 March 2021, was refused by notice dated 20 May 2021.
 - The development proposed is described as "*retrospective planning application for the retention of single storey outbuilding for ancillary use*".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposal on the character and appearance of the surrounding area.
 - The effect on the living conditions of existing and future occupiers of the property having regard to private outdoor amenity space provision, and; the effect on the living conditions of existing and future occupiers of adjoining residential property, having regard to outlook.

Reasons

Character and appearance

3. The detached structure in this appeal occupies part of the rear garden area of a semi-detached residential property. The property has been substantially enlarged and subdivided into flats. The structure was erected without planning approval for use as a dwelling. The appeal scheme involves removing the kitchen, altering the fenestration and removing fencing subdividing the rear garden, to facilitate use of the structure for purposes ancillary to the ground floor flat including a gym room, WC/shower facilities and what is described as a relaxation room.
4. The surrounding residential area generally consists of pairs of dwellings that are similar to the property in terms of their scale, architectural style and materials. By and large, these properties occupy good-sized rectilinear plots with generously proportioned rear gardens. The rear gardens of a number of local properties contain residential outbuildings of varying sizes. However, in most instances the visual impact of such outbuildings is markedly offset by

their reasonably modest scale together with the generous areas of the rear gardens. All of the above contributes to the pleasant, well-ordered and spacious suburban character and appearance of the surrounding area.

5. Prior to erecting the structure, the rear garden at the property had already been significantly reduced in size compared to the more generous, open rear gardens of adjacent properties and other properties in the locality. This situation had largely arisen as a result of the substantial scale and plot coverage of enlargements undertaken to the building converted to flats. The footprint of the structure occupies a considerable portion of the remaining rear garden, whilst its overall size and bulk is adjacent to both side boundaries and the rear boundary of the plot. The large built footprint together with the substantial overall size and bulk of the structure has created the clear impression of a cramped and restricted built form. This in turn has also contributed to a significantly more built-up feel and a greater sense of enclosure in the environs. The visual impact of the structure on its surroundings is evident in views from the school approach road and is also likely to be apparent from adjacent properties.
6. There was no firm evidence of the structure having replaced a building of similar dimensions. Moreover, the size of any previous building that occupied a similar position within the plot is of limited relevance, as it no longer exists. Although the structure uses external materials that are not dissimilar to those of the rest of the property and other buildings in the locality, that is not sufficient to successfully assimilate the built form into its surroundings. The elevational alterations and proposed use of the structure would also make little difference in that regard.
7. Consequently, the proposal would perpetuate the existence of a structure that is entirely at odds with the pattern of development in the vicinity and which is viewed as an alien, urbanising feature in the surroundings and in doing so, would unacceptably harm the character and appearance of the area. I acknowledge that the Council did not object to the scale and design of the structure in a previous application. Nevertheless, having assessed the proposal on its planning merits I have reached a finding which concurs with the Council's reason for refusal in this respect.
8. For the above reasons I find that the proposal does not accord with Policy 7.4 D of the Ealing Development Management Development Plan Document (DPD), as it would not complement the building pattern and scale of its built area. Nor does the proposal accord with DPD Policy 7B, as it would not achieve a high standard of amenity by ensuring a positive visual impact. I found no failure to accord with Policy D4 of the London Plan, which is concerned with the strategy for delivering good design in the capital. Nevertheless, by not achieving a well-designed place the proposal is also inconsistent with the National Planning Policy Framework (the Framework).

Living conditions

9. The footprint of the structure occupies almost the entirety of the private outdoor amenity space dedicated to the first floor flat in the approved scheme for conversion of the property to flats. As far as I was made aware, no equivalent provision for occupiers of the first floor flat to access such space has been made. Whilst a private outdoor amenity space for the ground floor flat remains, being used and overlooked by occupiers of that flat it cannot also

form part of a private space for the first floor flat. Consequently, existing and future occupiers of the first floor flat, which being of a size suitable for families could well include one or more children, have had their ability to undertake the range of activities that might typically be associated with a private outdoor amenity space substantially eroded. Such activities could include for example, drying clothes, children's outdoor play and cultivating plants. Granting planning approval for the proposal would perpetuate the failure to provide private outdoor amenity space for the first floor flat and in consequence, the occupiers would continue to experience an appreciably more restrictive living environment than that which they could otherwise reasonably expect to enjoy.

10. The structure has a limited effect in terms of the outlook enjoyed by occupiers of adjoining residential property, the scale and plot coverage of the enlarged building converted to flats notwithstanding. This is largely due to the structure being located towards the far end of the plot and the significant distances to the rear elevations of adjoining properties, as well as the softening effects of maturing planting in adjacent rear gardens. Even so, the absence of harm in this respect does not weigh in favour of approving the proposal.
11. Consequently, the proposal would perpetuate an unacceptably restrictive living environment for existing and future occupiers of the first floor flat. In this respect also, my findings therefore concur with the Council's objections. The proposal does not accord with DPD Policy 7B A, as it would not achieve a high standard of amenity by ensuring an appropriate level of development. Also, the proposal does not accord with DPD Policy 7D, which having regard to Table 7D.2 requires provision of a suitably sized private outdoor amenity space for the first floor flat. Moreover, the failure of the proposal to provide a high standard of amenity for existing and future users is inconsistent with the Framework.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR