



Appeal Decision

Site visit made on 1 November 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2022

Appeal Ref: APP/A5270/W/22/3295375

23 Avon Road, Greenford UB6 9JA

- 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 Asim Hussain against the decision of the Council of the London Borough of Ealing.
 - The application Ref 214554FUL, dated 14 November 2020, was refused by notice dated 22 September 2021.
 - The development proposed is the conversion of the existing side extension into a separate dwelling, and loft conversion with rear facing dormer to existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are:
 - whether the proposed development would provide acceptable living conditions to future occupiers with particular regard to internal living space, outdoor amenity space, privacy, bins and bicycle storage; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions

3. The proposed development would convert the existing two storey end of terrace dwelling into two properties. The Proposed Plans¹ indicate that the one bedroom, two person dwelling (House 2) alongside Upper Town Road would have a gross internal floor area (GIA) of 60sqm. However, the Council dispute this figure and provide an alternative measurement of 56.77sqm. Based on Policy D6 of the London Plan (2021) and the Technical Housing Standards², the minimum GIA for a one bedroom, two storey dwelling for two people is 58sqm. Given the difference in the measurements before me and the limited evidence in support of either figure, I cannot be certain of the accuracy of the plans. As such, I do not have sufficient certainty that the proposed development would provide an adequate amount of living space for future occupiers of House 2.

¹ Drawing no: 02

² Technical Housing Standards – Nationally Described Space Standards (2015)

4. Similar concerns have been raised by the Council regarding the accuracy of the amount of outdoor amenity space proposed for both dwellings. Additionally, it is not clear if the existing outbuilding on the site would be demolished as part of the appeal scheme. When applying the minimum standards per person set out in Policy 7D of the DPD³, the total outdoor amenity space required for the proposed dwellings would be significantly lower than the 50sqm and 60sqm measurements stated on the plans. Although the supporting text to Policy 7D also refers to a typical amount of private, fit for purpose and usable garden space being 50sqm per house, this could be achieved even if the lower of the two calculations provided by the appellant and Council is correct. Given the proposed shape and proximity to their respective dwellings of each outdoor amenity space, I consider they would provide adequate private, fit for purpose and usable outdoor amenity space for the future occupiers.
5. A condition could be imposed requiring the approval of a landscaping scheme showing the design and layout of the outdoor amenity spaces. This would ensure they provide private, usable and fit for purpose spaces and enable accurate area measurements to be confirmed.
6. Whilst not currently shown on the Proposed Plans, based on my observations of the site, the front driveway is of sufficient size to create a defensible space in front of the ground floor window of House 2, overlooking the driveway. The aforementioned condition could also require the landscaping scheme to cover the front driveway, to ensure adequate levels of privacy for future occupiers of House 2.
7. Access to House 2 would be via an entrance on the side elevation of the property, from Upper Town Road. Given the side elevation is positioned alongside the pavement, it would mean that, when opening the front door, there would be no barrier between pedestrians on the pavement and the private living space. As there is no space to provide a buffer between the pavement and the entrance, nor to prevent passers-by looking into the property, future occupiers of House 2 would not experience an acceptable level of privacy.
8. Reference has been made by the appellant to another property on Avon Road (No 321) which has been converted into flats. As I have no evidence before me concerning this property, it is not possible to make a comparative assessment.
9. Although I have found that there is sufficient space within the appeal scheme to provide adequate outdoor amenity space for future occupiers of both dwellings, this is not the case in terms of the minimum GIA and privacy for occupiers of House 2. I therefore conclude that the proposed development would not provide adequate living conditions in respect of internal living space and privacy for future occupiers of House 2, contrary to Policy D6 of the London Plan and policies 7B and 7D of the DPD. Amongst other provisions, these policies require development to meet minimum standards and provide privacy for residents.
10. It would also conflict with Chapter 12 of the National Planning Policy Framework (the Framework) which seeks to ensure development is well designed with a high standard of amenity for future users. In terms of

³ Ealing Development Management – Development Plan Document (2013)

minimum GIA, the proposed development would not accord with the Technical Housing Standards.

Character and appearance

11. The Council consider that the proposed loft extension with rear dormer and the principle of converting the existing side extension to a separate dwelling would preserve the character and appearance of the area. Based on the information before me and my site visit observations, I have no reason to disagree with this assessment.
12. Within the surrounding area, dwelling entrances are predominately located on the front elevation of the property, set back from the pavement behind driveways or front gardens. Where I observed side access points to corner properties in the surrounding area, these were via gates or gaps in boundary features with the side elevations set back from the pavement. Therefore, the proposed side entrance to House 2 would introduce an uncommon arrangement in the surrounding area, resulting in a discordant feature in the pattern of entrances in the streetscene.
13. Whilst the Proposed Plans do not show storage facilities to accommodate bins and bicycles, a condition could reasonably be imposed requiring a plan showing the location and size of such facilities for each dwelling. Given the size and shape of the rear gardens and front driveway, there would be sufficient space for the required facilities whilst also preserving the character and appearance of the area.
14. Despite this, as I find that the side entrance of House 2 would not respect the pattern of entrances in the streetscene, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. It would therefore be contrary to policies D3 and D4 of the London Plan, and policies 7B and 7.4 of the DPD. Amongst other provisions, these policies seek to ensure development complements the local context through a design-led approach. I also find conflict with Chapter 12 of the Framework which seeks to ensure development is well designed and sympathetic to local character.
15. In the decision notice, the Council refer to policies 1.1 and 1.2 of the Ealing Development Strategy 2026 – Development Plan Document (2012). As these policies relate to the overall spatial vision and its delivery for the borough, they are not determinative in this appeal.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the harm and associated development plan conflict. Therefore, I conclude that the appeal is dismissed.

Juliet Rogers

INSPECTOR