



Appeal Decision

Site visit made on 2 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/22/3300337

4 Essex Road, Ealing, Acton W3 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 Dominic Pullen against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221148FUL, dated 16 March 2022, was refused by notice dated 12 April 2022.
 - The development proposed is described as “the siting of a timber framed building to be used as a home office.”
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal are:
 - the effect of the proposed development upon the character and appearance of the area; and
 - whether existing occupiers of the host property would experience adequate living conditions in respect of outdoor amenity space.

Reasons

Character and appearance

3. Located in an area characterised by a formal pattern of predominately three-storey terraced buildings, the appeal site includes a ground floor flat with a secluded rear outdoor amenity space. While not located within a Conservation Area, restricted by an Article 4 Direction nor near a Listed Building, the appeal site contributes positively to characteristics of the area.
4. The existing outdoor amenity space is modest in size, having already been reduced due to the existing extension to the flat’s living space. Whilst an ancillary use for the enjoyment of occupiers of the ground floor flat, the proposed development comprises a building for home working purposes located within the amenity space.
5. The appellant has attempted to address the concerns of the Council and the Inspector on a previous appeal¹ by significantly reducing the footprint of the proposed building. Notwithstanding the disagreement between the main parties

¹ APP/A5270/W/21/3269207

in respect of the measurement, the overall height has also been lowered. Regardless, the further reduction of the outdoor amenity space would create an uncharacteristically smaller garden than others within the surrounding area. Whilst views of neighbouring gardens from the appeal site are restricted due to the existing boundary fences and landscape features the scale of the proposed building would dominate the outdoor amenity space. Additionally, despite a contemporary appearance and high quality design, it would be an unsympathetic addition to the garden setting.

6. I conclude, therefore, that the proposed development would cause unacceptable harm to the character and appearance of the area. As such, it would be contrary to Policy D3 of the London Plan (2021) which seeks to ensure development responds to the existing character. Additionally, I find conflict with policies 7.4, 7B and 7D of the Ealing Development Management – Development Plan Document (2013) (the DPD) where they relate to local context.

Living conditions

7. Although the main parties do not agree on the precise area measurement, the reduction in height and width of the proposed building from the previous appeal would result in a larger area of outdoor amenity space remaining. Regardless of this dispute, the area would exceed the minimum standard set out in Policy 7D of the DPD and its supporting table 7D.2.
8. In addition to the baseline standards, the footnote to table 7D.2 also requires outdoor amenity space to be, amongst other things, fit for purpose and usable. Although the depth of the outdoor amenity space would be reduced, given its rectangular shape and proximity to the living space of the ground floor flat, I see no reason why the area would not be fit for purpose or usable.
9. Accordingly, I conclude that the proposed development would provide adequate living conditions for the existing occupiers of the ground floor flat in respect of outdoor amenity space. As a result, it would accord with Policy D6 of the London Plan which sets minimum housing standards. It would also accord with the provisions contained within policies 7B and 7D of the DPD relating to standards in living conditions.

Other Matters

10. The increased need for the appellant to work from home, the desire for versatile accommodation and the lack of harm to the living conditions of neighbouring occupiers, are not reasons to permit an otherwise unacceptable development.
11. Whilst the appellant argues that the proposed building is an efficient use of space that emphasises the subordination of the existing extension of the ground floor flat to the terrace, this does not change my assessment. Similarly, the appellant's view of the Council's handling of the case has had no bearing on my decision.

Planning Balance and Conclusion

12. Whilst I have concluded that the proposed development would not harm the living conditions of the existing occupiers of the ground floor flat, this is a

neutral factor and does not outweigh the harm I have found to the character and appearance of the area.

13. For the reasons above, having regard to the development plan as a whole, and all other relevant material considerations, the appeal is dismissed.

Juliet Rogers

INSPECTOR