



Appeal Decision

Site visit made on 29 November 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/A5270/W/22/3293514

12 Lucy Crescent, Acton, W3 0NH

- 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 Andrew McGivney against the decision of London Borough of Ealing.
 - The application Ref 214762FUL, dated 14 July 2021, was refused by notice dated 7 September 2021.
 - The development proposed is construction of a new 2 bedroom single dwelling house on land to the rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the area,
 - Whether it would provide acceptable living conditions for future occupiers regarding outlook and natural light,
 - The effect on biodiversity,
 - The effect on the living conditions of the occupiers of 12 Lucy Crescent regarding outlook and natural light; and,
 - The effect on trees.

Reasons

Character and appearance

3. The appeal property lies in a residential area backing onto the A40. The appeal site slopes upwards towards the dual carriageway with a close-boarded fence along the rear site boundary.
 4. Properties in the area are generally two-storey semi-detached or terraced houses that face directly onto the street. The properties at 4-14 Lucy Crescent have deep rear gardens projecting towards the A40. Within this context, the proposed single-storey dwelling would result in the subdivision and substantial reduction in depth of the rear garden to No 12 and would be an uncharacteristic form of development both in terms of its siting and the single-storey form. As much of the land to the rear of the proposed house would be taken up with the banked slope up to the A40, the house would appear cramped within the plot with limited separation to plot boundaries, in particular the shared boundary with No 14.
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5. While the principle of residential development in this location is acceptable, the appeal proposal would result in harm to the character and appearance of the area by reason of its uncharacteristic siting and cramped appearance. It would therefore conflict with the criteria of Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (the CS) and Policies 7.4 and 7B of the Ealing Development Management Development Plan (the DMP). Taken together these require that development in built areas complement their street sequence and building pattern, and state that the Council will take account of the quality of the design of new development. It would also conflict with Policies D3, D4 and D6 of the London Plan (the LP), which collectively seek to optimise the capacity of sites including through high quality design for housing developments.

Future occupiers

6. The proposed single bedroom would face onto the shared boundary fence with No 14 at a short distance. This would substantially restrict light to, and outlook from, that room and would result in poor living conditions for the future occupier. The appellant has suggested that the bedroom would have a dual aspect, but this is not shown on the plans submitted with the appeal.
7. The kitchen would principally be lit by a rooflight and would rely on the window to the living area for additional light. As this would be an open plan area I consider that this would provide acceptable living conditions for future occupiers.
8. Overall, therefore, the appeal proposal would fail to provide acceptable living conditions for future occupiers due to the lack of light to, and outlook from, the single bedroom. It would therefore conflict with policies 7B and 7D of the DPD and Policy D6 of the LP. Taken together these require that housing development provide comfortable and functional layouts which are fit for purpose and achieve a high standard of amenity for users.

Biodiversity

9. The land to the rear of the site is a green corridor. At present it is fenced off from the garden to No 12 and has become overgrown. Consequently, it is likely to possess biodiversity value as land that is not regularly disturbed. The footprint of the proposed house would fall partly on this land, and it would form part of the garden around the house, with an access formed up the bank to the boundary with the A40. It is not clear to what extent this would affect biodiversity at the site, as no submissions have been made by the appellant on this point. I can therefore only conclude that the proposed development would result in harm to biodiversity, contrary to Policy G6 of the LP which states that development proposals should manage impacts on biodiversity and aim to secure net biodiversity gain.

Neighbour living conditions

10. The appeal proposal would be a single-storey house set off the shared boundary with the host property, which is divided into ground-floor and first-floor flats. While the appeal proposal would substantially reduce the depth of the garden retained by the host property, there would be sufficient separation between the facing elevations of the ground floor flat and proposed house that the development would not cause harm to the outlook from the ground floor flat.
11. The side access to the existing property would be shared with one of the flats. The appeal proposal is for a two-bedroom house, which would be unlikely to

generate a volume of additional traffic that would cause significant disturbance to the occupiers of the flat.

12. The proposal would therefore not cause harm to the living conditions of the occupiers of 12 Lucy Crescent. It would accord with Policies D3 and D4 of the LP, 1.1 and 1.2 of the CS and 7.4 and 7B of the DMP. Collectively, these policies seek to achieve a high standard of amenity for users and for adjacent uses.

Trees

13. A tree survey and arboricultural impact assessment were provided with the appeal. These conclude that the development would not cause harm to surrounding trees, including the nearest trees within the site at No 14, subject to appropriate protective measures being carried out in accordance with British Standard 3998 Recommendations for Tree Work. I am satisfied that, if I were otherwise minded to allow the appeal, these measures could be secured by appropriately worded conditions.
14. The appeal proposal would therefore accord with Policy G7 of the LP, which requires that that, wherever possible, existing trees of value are retained.

Other Matters

15. The appellant has raised concerns about the way in which the Council handled the planning application. However, that is not a matter for me to consider in determining this appeal.
16. The Council referred to Policy 5.10 of the CS in their decision notice, but I have not been provided with a copy of that policy, so it is not determinative in this appeal.

Planning Balance

17. The appeal proposal would deliver 1 additional house, contributing to local housing supply and supporting the government's objective of significantly boosting the supply of homes.
18. Set against this would be the harm to the character of the area and to biodiversity that would result from the proposed development. In addition, the proposed house would provide unacceptable living conditions for future occupiers.
19. While I have not found that there would be harm to the living conditions of neighbouring occupiers from the proposed development, or harm to surrounding trees, the absence of harm on these points is a neutral consideration in the determination of this appeal.
20. Overall, therefore, the harm that would arise from the appeal proposal would outweigh the benefits arising from the creation of a single new dwelling. There are therefore no material considerations to lead me to determine this appeal otherwise than in accordance with the development plan.

Conclusion

21. For the reasons set out above the appeal fails.

M Chalk

INSPECTOR