



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: 20th December 2022

Appeal Ref: APP/A5270/W/22/3303063

42 Kingswood Road, Chiswick, W4 5ET

- 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 Miss Mila Marinkovic against the decision of London Borough of Ealing.
 - The application Ref 213846FUL, dated 24 May 2021, was refused by notice dated 7 June 2022.
 - The development proposed is conversion to a live work unit including erection of a first floor.
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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,
 - The effect on the living conditions of neighbouring occupiers, regarding outlook,
 - Whether it would provide acceptable living conditions for future occupiers, regarding the provision of garden space, cycle and refuse storage and outlook.

Reasons

Character and appearance

3. The existing building on the appeal site is a single-storey garage. It lies between two-storey properties on Kingswood Road and Bridgman Road and sits forward of the front building line of the Bridgman Road properties, in line with the side boundary wall to 42 Kingswood Road.
4. The appeal proposal would be a prominent feature in the street scene due to its siting forward of the Bridgman Road building line. As a two-storey property, it would detract from the established character of the street scene, which derives from the consistent appearance of the properties along that road. The proposed live-work unit would have a sloping front wall at first floor level with projecting windows, and these features together with the difference in siting and different rooflines would result in a development that would be uncharacteristic and incongruous in the street scene.

5. Consequently, the appeal proposal would be harmful to the character and appearance of the area. It would conflict with policies 3.5, 7B, 7.4 and 7D of the Ealing Development Management Development Plan Document (the DPD) and policies D3 and D4 of the London Plan (the LP). These policies collectively require that development enhance local context by delivering buildings that positively respond to local distinctiveness and complement their street sequence and building pattern.

Neighbour living conditions

6. The additional height of the proposed development would restrict outlook from the rear of No 44 Kingswood Road, including from the first-floor rear windows close to the boundary between Nos 42 and 44. Outlook from these windows is unrestricted at present across the appeal site, and would be significantly constrained by the appeal proposal, to the detriment of the living conditions of the occupiers.
7. The appeal proposal would increase the height of the building along the boundary with No 1 Bridgman Road, which has a bay window that partly faces towards the appeal property. This would result in additional constraints on the outlook from that window and an increased sense of enclosure. However, given the forward projection and proximity of the existing building to the bay window the extent of additional effect on the occupiers of No 1 would be moderate.
8. The proposed development would increase the height of the building on the boundary with the host property, No 42, which includes a ground floor flat. That property was not accessible during my visit, but I note that there is an enclosed staircase to the first floor of the property that appears to restrict any outlook from the ground floor. While the creation of an additional floor to the appeal property would constrict outlook from within the garden area, I am mindful that this is already constrained by the proximity of the garage and surrounding two storey properties. On balance, therefore, I consider that the development would not cause harm to the living conditions of the occupiers of No 42.
9. Overall, therefore, the appeal proposal would result in harm to the living conditions of the occupiers of 44 Kingswood Road and 1 Bridgman Road. It would therefore conflict with Policy 7B of the DPD and D6 of the LP, which taken together require that new development achieve a high standard of amenity for adjacent uses.

Future occupiers

10. The appellant contends that, as the property is for a live/work unit, it should not be assessed as a primary residence. However, there is no mechanism before me to prevent it being used as such, and as it would provide a separate bedroom, bathroom, kitchen and living area it would be capable of independent occupation. I have therefore determined this appeal having regard to the relevant LP and DPD policies relating to new dwellings.
11. The development would provide a patio of about 7 square metres to the front of the building. This would be open to the street so would not be private space, contrary to the requirements of Policy 7D of the DPD which seeks a minimum of 5 square metres of private garden space for a 1 or 2 person dwelling.

Consequently, the appeal proposal would provide a poor standard of accommodation for future occupiers, contrary to the requirements of Policy 7D.

12. Refuse and cycle storage would be provided to the side of the property, in the alleyway that also provides access to the side door to the property. Although narrow, the presence of a separate access into the property on this elevation would ensure that bins and bicycles could be stored in this area without conflicting with one another. There would therefore be no conflict on this point with Policies D3, D6, SI7, SI8 and T5 of the LP or with Policies 3.5, 7.4 and 7B of the DPD, which taken together set minimum standards for housing development including the management of refuse and encouraging cycling.
13. The property would offer a single aspect outlook. While Policy D6 of the LP says that this should normally be avoided, in this instance there is no space to the rear of the building to provide outlook onto other than into the gardens of neighbouring properties. On balance, therefore, a single aspect would be acceptable in this case having regard to policies 3.5 and 7B of the DPD which taken together require that new development achieve a high standard of amenity for users and for adjacent uses.

Other Matters

14. The appellant contends that the Council's decision was defective given that the application was determined less than 1 month after it was acknowledged. However, this falls outside of my authority to address in determining this appeal.

Planning Balance

15. The appeal proposal would create a live/work unit. Although not a dedicated dwellinghouse, this would support the Government's objective of significantly boosting the supply of homes. It would also provide flexible accommodation for someone looking to work from home, which is an increasingly common approach that would help relieve demand for commuting. The appellant suggests that they would be willing to accept a condition for solar panels or other sustainable energy measures to be provided as part of the development.
16. The appeal development would result in harm to the character and appearance of the area, as well as to the living conditions of neighbouring occupiers. It would also fail to provide acceptable living conditions for future occupiers due to the lack of private garden space.
17. The benefits arising from the creation of 1 live/work unit would be limited and would not in this instance outweigh the harm that would result from the appeal proposal. Consequently, there are no material considerations to lead me to conclude that this appeal should be determined otherwise than in accordance with the development plan.

Conclusion

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

M Chalk

INSPECTOR