



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/22/3303564

Land to the rear of 2 Ashfield Road, Acton, London, W3 7JJ

- 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 Brad Allnutt (Ashfield Road Investments Ltd) against the decision of London Borough of Ealing.
 - The application Ref 216866FUL, dated 3 December 2021, was refused by notice dated 21 January 2022.
 - The development proposed is new detached two-storey private dwellinghouse on land to the rear of 2 Ashfield Road.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the address given on the Council's decision notice as the most complete address for the appeal site.

Main Issues

3. The main issues are:
 - The effect on the living conditions of neighbouring occupiers regarding outlook, privacy and natural light,
 - Whether it would provide acceptable living conditions for future occupiers regarding the provision of garden space; and,
 - The effect of the proposed development on the character and appearance of the area.

Reasons

Neighbour living conditions

4. The proposed house would sit about halfway between the host property and townhouses on the Napier House development. The house would be substantially taller than the existing garage and given the relatively short separation distances would dominate the outlook from No 2 Ashfield Road and the townhouses that would face onto its south elevation as well as from their gardens. It would, as a result, be overbearing to the occupiers of these neighbouring properties.
5. The appellant has drawn my attention to other developments where similar relationships exist. However, I have limited details on when these permissions were granted, or the specific circumstances or policies in place at the time of

the permissions. In any case, the presence of other similar developments does not make an unacceptable relationship more acceptable. I therefore only attach limited weight to these previous permissions in determining this appeal.

6. Bedroom 2 of the proposed house would have a window facing the shared boundary with No 2 Ashfield Road. This would be a secondary window to that bedroom, and had I otherwise been minded to allow the appeal I would have considered whether this could be fitted with obscured glazing to prevent overlooking of the neighbouring property, as suggested in the appellant's Design and Access Statement (the DAS).
7. The appeal site comprises the southern part of the garden of No 2, so the appeal proposal would lie immediately to the south of the retained part of that house's garden. The DAS shows that the development would not infringe on a 25 degree line taken from the ground floor windows of No 2. I am therefore satisfied that the house would not result in an unacceptable impact on light to the occupiers of that property.
8. Overall, therefore, the appeal proposal would as a result of its height and siting be overbearing to neighbouring occupiers. While I have not found harm through overlooking or loss of light, this would still result in unacceptable harm to their living conditions. The proposed development would therefore conflict with Policies 1.1, 1.2 and 4.1 of the Ealing Development (Core) Strategy and 7.4 and 7B of the Ealing Development Management Development Plan Document (the DPD). Taken together these seek to protect and enhance suburban communities and require that development in Ealing's existing built areas should complement their scale and achieve a high standard of amenity for adjacent uses. It would also conflict with Policy D6 of the London Plan (the LP) which amongst other criteria seeks to maximise the usability of outside amenity space.

Future occupiers

9. Policy 7D of the DMD requires that houses provide 50 square metres of private garden space, and states that this must be fit for purpose, genuinely private, screened from roads and not permanently overshadowed.
10. The private garden space allocated to the proposed house would comprise the rear garden and a smaller area to the front of the house. The Council states that the rear garden would measure 33 square metres. The appellant states that the front and rear gardens would provide amenity space of 51 square metres in total.
11. The front garden area would be small, and constrained by the proposed house and boundary treatments, resulting in its being permanently overshadowed. I have considered whether this could be addressed by an appropriately worded condition securing a revised boundary treatment, as typically front boundary walls or fences are lower than shown on the submitted plans. However, Policy 7D requires that garden space must be private and screened from roads, which a lower boundary would prevent. In this instance, therefore, I do not consider that the front garden area can be counted for the purposes of Policy 7D as it would not fulfil all the criteria.
12. The appellant has highlighted a further 12 square metres of land around the house that they contend would provide additional space for amenity use.

However, this would be narrow and constrained, and principally used for access to the side and front of the house. I do not consider that this would be fit for purpose for garden space.

13. The extent of usable garden space associated with the proposed development would therefore be limited to the rear garden. This would be less than 50 square metres in size, so would fail to provide acceptable living conditions for future occupiers, contrary to the requirements of Policy 7D of the DMD.

Character and appearance

14. The proposed house would sit between rows of houses on Ashfield Road and townhouses in the Napier House development. It would face onto Bromyard Avenue. The surrounding area is characterised by two and three-storey residential development. The proposed house would appear similar in form and materials to the townhouses, and at two storeys in height would be of a scale in keeping with the Ashfield Road properties. While its siting at the foot of the garden of No 2 Ashfield Road would be out of keeping with the pattern of development formed by the two rows of houses, in the wider street scene it would be seen in the context of houses and flats built close to Bromyard Avenue in a variety of forms and scales.
15. Given this context, the proposed development would not be harmful to the character and appearance of the area. It would therefore accord with Policies 7.4 and 7B of the DMD and Policy D3 of the LP. Taken together, these seek to optimise site capacity and require that development in Ealing's existing built areas complement their street sequence, building pattern, materials and detailing.

Planning Balance

16. The proposed development would create 1 new spacious family dwelling, adding to the Borough's housing stock and supporting the Government's objective of significantly boosting the supply of homes. The appellant has indicated a willingness to accept a condition requiring the provision of electric vehicle charging, which would take advantage of changing transport technology.
17. However, the appeal proposal would be harmful to the living conditions of neighbouring occupiers and would fail to provide acceptable living conditions for future occupiers due to the shortfall in garden space. In this instance, the harm that would result would outweigh the benefits arising from the proposed development.
18. There are therefore no material considerations to indicate that I should determine this appeal other than in accordance with the development plan.

Conclusion

19. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR