



Appeal Decision

Site visit made on 20 December 2022

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 26 January 2023

Appeal Ref: APP/A5270/W/22/3298609

66 Iveagh Avenue, London NW10 7DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Faiza Ahmed against the Council of the London Borough of Ealing.
 - The application Ref: 213969FUL, is dated 24 May 2021.
 - The development proposed is described as the demolition of existing garage and erection of studio flat with bicycle storage, bin and refuse storage and private amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and erection of single storey studio flat with bicycle storage, bin and refuse storage and private amenity space at 66 Iveagh Avenue, London, NW10 7DH in accordance with the terms of the application, Ref: 213969FUL, dated 24 May 2021, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mrs Faiza Ahmed against the Council of the London Borough of Ealing (the Council). That costs application is the subject of a separate Decision.

Preliminary Matters

3. In the interests of clarity and precision, I have amended the description of development used in the banner heading above to remove reference to conversion of the garage given that the development proposes demolition of that structure rather than its conversion. Based on the evidence before me and in the interests of precision, I have also amended the description to precisely refer to the erection of a studio flat rather than the provision of a habitable space for use as studio.
4. The submissions indicate that the Appellant has submitted this appeal on the basis of non-determination of the planning application. The Council have provided suggested conditions in the event that the appeal is allowed and has submitted copies of a number of policies of the development plan. Accordingly, I shall assess the proposal in light of the development plan policies provided to me by the Council and determine this appeal on that basis.

Main Issue

5. In light of the above matters, the main issue in this appeal is whether or not the proposed development would comply with the provisions of the development plan.

Reasons

6. The appeal site comprises land and buildings located within a residential cul-de-sac. The pair of semi-detached dwellings at 66 and 68 Iveagh Avenue are separated from their neighbour at 64 Iveagh Avenue by a small gap that provides access to garages. At the date of my visit, I observed that a number of neighbouring dwellings within Iveagh Avenue had been extended and altered in a variety of ways. The submissions in this appeal indicate that the host dwelling at 66 Iveagh Avenue has recently been provided with planning permission for a rear extension.
7. Policy 7A of the Ealing Development Management Development Plan Document (2013) (the DPD) requires that new development offers a good standard of amenity and does not erode the amenity of surrounding uses. Policy 7B of the DPD requires that new development achieves a high standard of design for users including good levels of daylight and sunlight, privacy, coherent development of the site and appropriate levels of development on the site.
8. Policy 3.5 of the DPD seeks quality housing developments and makes reference to space standards. Amongst other matters, Policy D6 of the London Plan (2021) (the London Plan) states that housing development should be of high quality design and provide adequately sized rooms. Table 3.1 sets out the minimum gross internal floor areas. For a one storey dwelling, the requirements are 39 square metres (sqm) for a one person dwelling and 37 sqm for a one person studio flat where it incorporates a shower room rather than bathroom. Policy D6 of the London Plan further provides that development should be dual aspect and provide sufficient sunlight and daylight, include sufficient storage space and provide a minimum of 5sqm external amenity space for a one person dwelling.
9. The plans and information before me indicate that the internal floor area would be 39.1 sqm. No information or details have been provided that bring into dispute the gross internal floor area of the appeal proposal. As such, the appeal scheme would comply with the requirements concerning internal space standards. In terms of external amenity space, the plans show an area which would provide approximately 23 sqm of space for the appeal proposal, being in excess of the requirements included in Policy D6 of the London Plan, and which would provide approximately 70 sqm of garden space for the host dwelling.
10. Further to the above, from the submissions and evidence it appears that sufficient storage space has been provided for refuse bins and recycling, that there would be no harm in terms of accessibility to the site, and that the proposed unit of accommodation would be dual aspect.
11. The concerns raised by interested parties with regards to potential impacts on access to the site and upon the living conditions of neighbouring residents is acknowledged. However, by reason of the limited height and scale of the proposal, I do not conclude that the scheme would adversely impact on living conditions of existing nearby residents with regards to overlooking, loss of

outlook or in terms of noise or disturbance of occupants accessing the proposal. From the details before me and based on observations made on my visit, I find that the appeal scheme would provide sufficient light for future occupants and, given the number of extensions and alterations within the street, I do not find that the development would not be of a massing and height appropriate to the area.

12. In light of these reasons, I find no conflict with Policies 3.5, 7A and 7B of the DPD, nor would the proposed development be contrary to Policy D6 of the London Plan.
13. Policy 7.4 of the DPD provides that development in Ealing's existing built areas should compliment their; street sequence, building pattern, scale, materials and detailing. Policy D3 of the London Plan concerns optimising site capacity through the design led approach and requires development proposals to respond positively to local distinctiveness through, amongst other things, appearance and scale.
14. The proposed development would reflect the scale and overall appearance and bulk of the existing garage and outbuilding structure at the site. The proposed materials, including use of brick, would complement the host dwelling and would reflect the materials exhibited by nearby neighbouring dwellings within the cul-de-sac, as well as replicating the scale and appearance of other nearby extensions and alterations to existing dwellings. The proposal would complement the street scene and local building pattern. Consequently, I find no conflict with Policy 7.4 of the DPD or conflict with Policy D3 of the London Plan.
15. The Council has also, within the submitted questionnaire, referred to Policies D1 and D4 of the London Plan. However, these policies broadly address matters of design and character at a high level rather than identifying specific issues relevant to the appeal proposal. They are therefore not determinative in my assessment of this appeal.
16. In terms of cycle storage provision, the plans show a secure double bike locker for use in respect of the appeal proposal. This would not result in a significant reduction in the external space at the site. The proposed development would therefore accord with Policy T5 of the London Plan, which seeks the provision of one cycle space for a one person dwelling.
17. In respect of car parking, Policy T6.1 of the London Plan provides that new residential development should not exceed the maximum parking standards set out in Table 10.3. Based on the information before me, the proposal would not exceed maximum parking standards. Based on observations made on my visit, the appeal proposal would be situated close to bus stops and routes located within Iveagh Avenue and within Twyford Abbey Road. The proposal would also provide storage for two bicycles as described above. In light of the above and given the very modest scale of development, the proposal would be unlikely to have a significant adverse effect with regards to on-street parking. As such, I find no conflict with Policy T6.1 of the London Plan.
18. Further to the above, the Council's questionnaire has also referred to Policy 4A of the DPD in respect of the appeal proposal. However, that policy concerns employment uses. The scheme is for a unit of residential accommodation and there does not appear to be any loss of any employment

land or buildings. Consequently, Policy 4A of the DPD does not apply to the proposed development.

Conditions

19. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the National Planning Policy Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord.
20. A planning condition that requires that the refuse and recycling storage areas are installed prior to occupation of the proposal, is necessary in order to protect the living conditions of future residents of the scheme. The Council has also suggested a condition that would restrict permitted development rights in terms of enlargement and extension of the proposed accommodation without prior approval of the Council. In that respect, given the density of housing within the area and in the interests of the living conditions of nearby residents, I find that such a planning condition is both necessary and reasonable.
21. Where necessary, and also in the interests of clarity and precision, I have altered the suggested conditions to better reflect the relevant guidance.

Conclusion

22. For the reasons given above I conclude that the appeal should be allowed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiry of three years from the date of this permission.
2. The development hereby approved shall in all respects accord strictly with drawing numbers: Location Plan Block Plan PL2/SM/3086-00, Existing Ground Floor Plan Existing Elevations PL2/SM/3086-01, Existing Elevations PL2/SM/3086-02, Proposed Ground Floor Plan PL2/SM/3086-03, Proposed Elevations PL2/SM/3086-04 and Existing Site Plan Proposed Site Plan PL2/SM/3086-05.
3. The development hereby approved shall not be occupied until refuse and recycling storage within a secure enclosure has been provided in accordance with the designated location identified in the approved drawing number Existing Site Plan Proposed Site Plan PL2/SM/3086-05 and in accordance with the Local Planning Authority Standards and has been fully implemented and made available for use. These facilities shall be permanently retained thereafter.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any Order revoking and re-enacting that Order with or without modification, no extension, enlargement or other alteration of the new dwellinghouse other than that expressly authorised by this permission shall be carried out without planning permission first obtained from the Local Planning Authority.