



Appeal Decision

Site visit made on 14 December 2022

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 19th April 2023

Appeal Ref: APP/A5270/W/22/3301554

39 Osterley Park Road, Southall, UB2 4BN

- 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 S P Agnihotri against the decision of the Council of the London Borough of Ealing.
 - The application Ref 215622FUL, dated 8 September 2021, was refused by notice dated 22 December 2021.
 - The development proposed is to convert an existing house into 4 flats with refuse bin storage and cycle parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Notwithstanding the amended description of the development proposed given in the appeal form, neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form, as indicated in the banner heading.
3. My attention has been drawn to a proposed 3 flat scheme at the site and the available evidence from the appellant indicates that the Council has granted planning permission for it. Plans for that scheme were submitted with this appeal, however, the appellant's Appeal Statement does not assert that the appellant wishes to amend the appeal proposal. Accordingly, I have had regard to the plans submitted with the appeal only insofar as they relate to the proposed development.

Main Issues

4. The main issues in this case are:
 - whether the proposal would provide appropriate living conditions for future occupiers, with regard to internal space, privacy, outlook and daylight/sunlight;
 - whether the development would encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living Conditions

5. The appeal site is a three-storey detached terrace house, which is positioned on Osterley Park Road. The area has a predominantly residential character. The appeal site is relatively large, due to the extent to which the property has already been extended and the dimensions of the garden. A narrow passage exists to the side of the property which enables direct access to the garden from the front.
6. Contrary to requirements set out in the Policy D6 of the London Plan 2021, no storage space has been allocated to flat 4. Nonetheless, the overall size of the flat is larger than the minimum amount of floor space required by Policy D6, by approximately 3 sqm. Therefore, regardless of whether any space has been allocated as storage area, there would be sufficient space within the flat itself which would adequately serve as storage space.
7. Similarly, the amount of storage space allocated to flat 2 on the plans is below the threshold required by minimum space standards set out in policy D6. However, the overall size of the flat is also larger than the minimum amount of floor space required. Therefore, regardless of whether any space has been allocated as storage area, there will be an excess amount of space within the flat itself which would adequately serve as storage space. Accordingly, the proposed development would provide satisfactory living conditions for the future occupiers of flat 2 and flat 4 with regard to storage space.
8. There would be one ground floor window for flat 2, which would face the back garden and the cycle storage area, which would result in the amount of natural light being restricted. However, the three roof lights would provide adequate daylight/sunlight to the bedroom, kitchen and the dining room.
9. In terms of outlook, the only window (barring the skylight) in the bedroom for flat 2 would directly face the secure cycle parking area. The size of the storage area would be significant to accommodate 10 cycles and provide adequate space for loading them. Due to the proximity, the secure cycling area would be uncomfortably close and would dominate the views from the room, resulting in an uninviting and restricted outlook from this bedroom. Additionally, the private rear garden would be visible from the kitchen area for flat 2. The appellant has not challenged the Council's assessment that this fence would be 2 metres high. The significant height of the fence would create a confined outlook from the kitchen window, due to the tall height of the fence and narrow width of the garden area. Accordingly, due to the detriment in outlook from both viewpoints, the proposed development would fail to provide an appropriate outlook for the future occupiers of these rooms.
10. Flat 1 has windows which are located on two different sides, one set to the front and one set to the side of the property. As such, it would be possible for individuals to look directly into the flat from the car park area to the front and the shared accessway to the side, when it is used for access to the secure cycle parking area and the communal amenity garden. Due to the small size and open plan nature of the studio flat, there would be unobstructed views into

most of the flat. Therefore, the majority of the flat would have inadequate levels of privacy.

11. In reaching this view, I have considered the use of a landscaping condition to create a buffer zone at the front bay window could mitigate some of the privacy issues, there is insufficient detail before me to ensure that this would sufficiently mitigate the light spillage issues from the vehicles using the car parking area. In any event, this would not resolve the privacy issues at the shared accessway to the side of the property, where there is insufficient space for a buffer zone, due to this accessway already being very narrow.
12. For these reasons, I therefore conclude that the proposed development would fail to provide satisfactory living conditions for the future occupiers with regard to outlook and privacy. As a consequence, it would fail to comply with policies D3, D6 of the London Plan (2021), specifically the need for housing to be of high quality design and deliver appropriate outlook and privacy. Notwithstanding that good levels of daylight/sunlight would be maintained, it would still fail to comply with 7A and 7B of the Ealing Development Management DPD (2013), specifically the need for development to adequately regulate light emissions from vehicles and ensure good levels of privacy. However, with regard to flat 2 and flat 4, it does comply with policies 3.5 of the Ealing Development Management DPD (2013), specifically in relation to meeting acceptable space standards.
13. The Council also alleges a conflict with D14, S17 and S18 of the London Plan (2021), 7D of the Ealing Development Management DPD (2013) and policies 1.1, 1.2 and 2.1 of the Ealing Development (Core) Strategy (2012). However, my attention has not been drawn to any words in it that are relevant to this issue. Those policies have therefore not been determinative with regard to this main issue.

Cycle storage

14. While cycle storage would be provided, the cycle store would be located at the back of the property through a shared accessway. This accessway is very narrow, such that it would be difficult for future occupiers to easily transport bikes into the cycle store area from the street. This would discourage occupiers from using bicycles.
15. For this reason, I therefore conclude that the proposed development would fail to encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities, due to the narrow confines of the shared accessway. As a consequence, it would fail to comply with policy T5 of the London Plan (2021), with regard to the need to remove barriers to cycling.

Character and appearance

16. At the front of the property, 8 separate upright bins are to be stored next to the double car parking spaces. Due to the limited space available at the front of the property, the location of the bins would likely result in a cramped and cluttered area due to the close proximity of parked cars and the need for residents to have sufficient space to pass. As such, it would likely lead to bins being left in the highway, which would result in street clutter. Due to this, the

proposed development would fail to provide adequate refuse provision for future occupiers.

17. The houses along Osterley Park Road benefit from relatively large gardens, albeit a limited amount of shed and storage development has occurred at some properties. Nonetheless, there remains an open and spacious feel to the rear garden areas which is obvious in views from nearby properties.
18. The garden would be subdivided into two separate sections of different sizes, with a larger communal area for flat 1, 3 and 4 and a smaller private section for flat 2 immediately adjoining the property. The Council has assumed a height of 2.00m for the fence for the private garden and the appellant has not contested this measurement. Accordingly, the height of the fence in combination with the unequally divided dimensions of the garden would give the outdoor space a cramped and visually disruptive appearance in comparison to the more open linear gardens nearby.
19. The appellant has referenced the approval of several developments where the rear garden has been split. However, no information has been provided regarding these sites or developments and no similar developments were observed during my site visit. Therefore, I cannot be sure they are directly comparable to the scheme before me.
20. For these reasons, I therefore conclude that the proposed development would fail to preserve the character and appearance of the area. As a consequence, it would fail to comply with D3, S17 and S18 and D4 of the London Plan (2021), 7.4 and 7B of the Ealing Development Management DPD (2013), specifically the need for development to respond to the existing character and deliver good design.

Other Matters

21. It is understood that planning permission has been granted for the development of 3 flats at this site. Although similar in design terms as the current proposal, that scheme would result in a significantly different internal and external layout. If implemented, that scheme would not result in the same harm I have identified and therefore is not a reason to allow this proposal.
22. The appeal scheme would provide 4 flats which would equate to an uplift of 3 residential units. This would improve the mix and supply of housing in the locality. Nonetheless, this modest additional contribution does not outweigh the harm I have identified and the conflict with the development plan.

Conclusion

23. I have found that the proposed development conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR