
Appeal Decision

Site visit made on 23 February 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/A5270/W/22/3305044

3 Northfield Avenue, London, W13 9QP

- 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 B Khinda against the decision of the Council of the London Borough of Ealing.
 - The application Ref 220025FUL, dated 15 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is the erection of first floor rear extension & conversion of premises to 3 self contained flats.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the Council of the London Borough of Ealing Council against the Mr B Khinda. This is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - whether the proposed development would provide appropriate living conditions for future occupiers, with regard to internal space, bin and recycling storage and outdoor amenity space;
 - whether the proposal would provide appropriate facilities for sustainable transport, with regard to cycle parking; and
 - the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living Conditions

4. The proposal is to convert the existing three-storey building with a two-storey outrigger, located on Northfield Avenue, into three self-contained residential flats. The area is comprised of both residential and commercial properties, and the appeal site is typical of the properties in the area, such that it is partially occupied by a commercial unit on the ground floor.
5. The parties disagree about the internal floor space measurement for flat no 3, however, even if the Appellant's preferred measurements are used, this flat

would still fall below the minimum internal space standards set out in Policy D6 of the London Plan (2021). Similarly, both flat no 1 and 2 both fall below these gross internal floor area space standards, significantly so for flat 2 as a two-bedroom dwelling. The flats would also fail to provide sufficient storage space for future occupiers, given the shortfall in internal floor space. As such, the flats would be cramped and confined, with insufficient space available for domestic activities. Therefore, they would not provide satisfactory living conditions for future occupiers or result in good quality homes.

6. In reaching this view, I have considered the fact that the layout minimises the use of corridors, to increase the amount of useful space and that the construction fit out will be to a good standard, which may exceed the standard associated with HMO living. However, as the proposed development is not an HMO, this is a consideration which bears minimal weight. Additionally, the Appellant points out that planning permission has been granted for a similar extension at no 5 Northfield Avenue and that the minimum internal floor space requirements have also been disapplied at some flats which the Appellant has described as "136 and 138 Northfields". However, I am not aware of the particular circumstances of those cases and there is no information before me regarding those developments, notwithstanding that the extension at 5 Northfield Avenue did not appear to be comparable to the proposed development. In any event, I must consider the appeal scheme on its own merits, and in the context of the current policy regime which requires residential development to comply with minimum internal space standards as set out in Policy D6 of the London Plan (2021).
7. The area designated for bins and recycling for all three flats would occupy part of the rear external accessway. This accessway is very narrow and the available space is further reduced by external pipework, which would make it difficult for occupiers to pass without physically touching the bins. As such, this space would be too small and narrow to provide adequate bin storage and would likely result in any bins which are to fit within the space being filled beyond capacity. Additionally, the bin and recycling storage area would be located outside of one of the windows of flat 1 on the ground floor. Notwithstanding that it is a narrow window, the location would still lead to privacy and odour issues. Accordingly, the bin and recycling storage arrangements would not provide satisfactory living conditions for future occupiers.
8. The proposed development does not offer any provision for private or communal amenity space for future occupiers. This lack of amenity space, combined with the location of the appeal site in an area of Local Park Deficiency, would result in poor living conditions, as there would be limited opportunity for future occupiers to participate in outdoor recreation.
9. In conclusion, the appeal scheme would not provide appropriate living conditions for future occupiers, with regard to internal space, bin and recycling storage and outdoor amenity space. Accordingly, it would not comply with the requirement for development to provide adequately sized rooms which are fit for purpose, contrary to Policy D6 of the London Plan (2021) and Policy 3.5 of the Ealing Development Management DPD (2013). The proposed development would not make an appropriate contribution to open space, contrary to policy 7D of the Ealing Development Management Development Plan Document (2013). The bin and recycling storage facilities would not function well or

create a place which is safe, inclusive and accessible, contrary to paragraph 130 of the National Planning Policy Framework (2021).

Sustainable Transport

10. The proposed development does not provide any secure and covered external cycle parking spaces. Given the space constrictions, it is unlikely that there would be sufficient internal space for future occupiers to maintain adequate storage areas for cycles. As such, the proposed development would not promote cycling or remove barriers to cycling and no alternative solutions have been proposed for consideration.
11. In conclusion, the appeal scheme would not provide appropriate facilities for sustainable transport, with regard to cycle parking. Accordingly, it would not comply with the requirement for development to secure the provision of appropriate levels of cycle parking which are fit for purpose, secure and well located, contrary to policy T5 of the London Plan 2021.

Character and Appearance

12. The proposed development requires the construction of a first-floor rear extension in order to create an extended bedroom for flat 2. This extension would project from the existing building which would alter the visual balance of the building from the rear and side aspect, specifically in relation to adjacent properties. This extension would project forward, thereby creating an imbalance to the appeal site by disrupting the uniformity of the rear aspect and would also obscure further properties which are further away from Occupation Road. While this area is already visually busy with commercial and residential activities, the imbalance of the proposed development would result in a discordant form of development which would disproportionately affect the character of the local area. This disruptive effect would be highly visible for public views, due to the proximity of the proposed development to the highway.
13. In reaching this view, I have considered the Appellant's comments regarding the appearance of the extension at no 5, however, I did not observe a first floor extension at this property and thus the impact on public views cannot be reasonably comparable. Additionally, despite the limited size of the extension, the extension would be large enough to imbalance the rhythm of the buildings in the area as to be visually disruptive.
14. In conclusion, the appeal scheme would harm the character and appearance of the surrounding area. Accordingly, it would not complement the local character of the built environment or achieve a high standard of amenity, contrary to policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013).
15. The Council also alleges a conflict with policies D1 and D4 of the London Plan 2021 with regard to this issue. However, my attention has not been drawn to any words in these policies that are relevant to this issue. They have therefore not been determinative in my decision.

Other Matters

16. The appeal site is located in a Controlled Parking Zone and the proposed development does not provide any off-street parking. I note the Council's comments regarding the restriction of parking permits and the Appellant's respective comments regarding the accessibility of public transport through nearby links, thereby mitigating this need. However, as I am dismissing this appeal, it is not a matter that needs to be considered further.
17. The provision of three additional units of residential accommodation would make an effective use of land and provide a small contribution to the Borough's housing supply. In the context of recent levels of housing delivery locally, these benefits of the scheme attract moderate weight. Further, the proposal, once occupied, would provide some additional support to the local economy and local community facilities. However, such benefits are limited due to the scale of development under consideration. As such, the scheme's benefits, considered cumulatively, are significantly and demonstrably outweighed by the harms the development would cause to the living conditions of the future occupiers, the lack of provision for appropriate facilities for cycle storage and the harm to character and appearance. Therefore, the presumption in favour of sustainable development does not apply. The scheme conflicts with the development plan when read as a whole, and other material considerations, including the Framework, do not lead me to a decision otherwise.

Conclusion

18. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the planning development conflict. 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