



Appeal Decision

Site visit made on 24 March 2023

by Kim Langford Tejrar LLB (Hons) BSc (Hons) PGDIP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2023

Appeal Ref: APP/A5270/W/22/3305443

64 Clovelly Road, London W5 5HE

- 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 Designer London Developments Limited against London Borough of Ealing Council.
 - The application Ref 205285FUL, is dated 02 February 2022.
 - The development proposed is 'Conversion of existing building into 5 self-contained flats; single storey rear extension; part single, part two and part three-storey side extension (Following demolition of existing side annexe and garage); rear roof extension; conversion of loft space into habitable space; creation of terraces/ balconies at first and second floor levels, installation of five rooflights to front roofslopes, internal and external alterations, and provision of associated private amenity space, landscaping and refuse storage'
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Decision

1. The appeal is allowed and planning permission is granted for '*Conversion of existing building into 5 self-contained flats; single storey rear extension; part single, part two and part three-storey side extension (Following demolition of existing side annexe and garage); rear roof extension; conversion of loft space into habitable space; creation of terraces/ balconies at first and second floor levels, installation of five rooflights to front roofslopes, internal and external alterations, and provision of associated private amenity space, landscaping and refuse storage*' at 64 Clovelly Road, London W5 5HE in accordance with the terms of the application, Ref 205285FUL, dated 02 February 2022, and the plans submitted with it, subject to the conditions within the attached schedule.

Preliminary Matters

2. An initial and revised application forms were submitted for the purposes of the scheme. I have taken the submission date and description of development from the revised application form, dated 02 February 2022. The Council's response to the appeal includes a slightly different description of development, which does not reflect either application form. I have utilised that provided on the revised form as it adequately describes the proposed development.

Main Issues

3. The main issues for the appeal are:

- The principle of development; including strategic housing policy and need, residential density and housing mix,
- Character and appearance of the host building and surrounding area, including the effect on Metropolitan Open Land,
- Living conditions of occupiers of neighbouring property and future occupiers of the development,
- Highway safety and adequate provision for sustainable transport,
- Biodiversity,
- Trees; and,
- Provision for drainage, refuse and recycling.

Reasons

Principle of development

4. The appeal scheme would convert an existing residential building into 5 self-contained flats, creating a net gain of 2 flats. The site is located within a primarily residential suburban area and is surrounded by residential development, except for its western flank and rear which bound Lammas Park. The site has a Public Transport Accessibility Level (PTAL) rating of 2 and is within 500 metres of South Ealing Underground and Ealing Town Centre.
5. The provision of housing to meet London's need through the appropriate intensification and densification of small and medium sized windfall sites is in accordance with the principles of 'good growth' set out in Policies GG4 and H2 of the London Plan (LP), adopted 2021, as well as policies 1.1(a) and 4.1(a) of the Ealing Development Strategy (Core Strategy) (CS), adopted 2012, and the National Planning Policy Framework (the Framework). These policies seek to direct development to the most suitable locations for growth, in line with transport and infrastructure provision.
6. Need- Interested parties have questioned the need for new residential units in the vicinity due to available or vacant units at Dickens Yard and the Filmworks Site. There is no evidence to suggest that these sites are experiencing vacancy due to lack of housing need. Indeed, there is an evidenced housing need; Policy GG4 identifies a need of 66,000 additional homes within Ealing over the next 10 years and policies 1.1(a) and 4.1(a) seek provision of 14,000 homes within Ealing borough by 2026. The appeal scheme would make a small contribution of market housing towards that need.
7. Suitable location and density- Policy 1.1 sets out a spatial vision for Ealing which seeks to concentrate new homes in the Crossrail corridor and the A40 corridor; the site falls within this area. Policy 4.1 seeks to enhance the residential hinterlands, in part through provision of additional homes. Policy GG4 seeks good growth and encourages the delivery of new homes through a range of development opportunities; including the reuse of brownfield sites and small sites in particular. Policy H2 encourages the use of small sites to deliver homes.
8. Interested parties have queried whether the site equates to brownfield land. The Framework definition of previously developed land (brownfield land)

excludes land in built-up areas such as residential gardens. Whilst part of the development would indeed be on a residential garden land, it would be in the form of an extension of an existing building and would largely cover the footprint of existing structures. In any case, the appeal site is a small windfall site as envisioned by policies GG4, H2 and 4.1(a).

9. Policy 4.2.4 of the LP recognises the need for intensification in suburban areas to meet local need, including within PTAL rated areas 3-6 within 800 metres of stations or town centres. The appeal site has a lower PTAL rating, it does meet the distance criteria for policy 4.2.4. Moreover, the net gain of residential units is relatively small and would be unlikely to result in undue pressure on existing infrastructure.
10. *Housing mix*- LP policy H10 requires that new residential development should provide a suitable mix of unit size and types to meet identified housing needs. Ealing's identified need is for larger units for 4 persons or more. The appeal scheme proposes four x 2 bedroom 4 person units, and family sized one x 3 bedroom 5 person unit. This mix would thus accord with policy H10.
11. For these reasons, the appeal proposal would be acceptable in principle, in accordance with policies GG4, H2, H10 and 4.2.4 of the LP and policies 1.1 and 4.1 of the CS.

Character and appearance

12. The appeal site is a semi-detached property within a suburban street. The surrounding buildings are relatively modest in scale; predominantly comprising of two-storey semi-detached dwellings with roof extensions which are not particularly visible within the street scene due to the tight grain of development and limited gaps between the semi-detached pairs. The dwellings along the road are constructed in brick and they retain many of the architectural features typical of their Victorian style. The street benefits from an avenue of trees, contributing to a verdant character, leading into Lammas Park at the end of the road closest to the appeal site. The existing character is modest, regular, architecturally detailed and attractive.
13. The appeal scheme would demolish the existing garage at the site, which is a two-storey flat-roofed addition of utilitarian appearance. The loss of the garage would not harm the character of the street scene. The appeal scheme would introduce a relatively narrow addition to the front elevation, which would repeat the vernacular architectural features of the street, including the arched front door surround and distinctive gabled bay window. Although the addition would create a terraced appearance, its proportions would be in keeping with those of the semi-detached pair and its design would integrate well within the street scene.
14. A splayed flank wall would create a somewhat massive addition to the side and rear of the existing building, which would have a modern design incorporating balconies. However, its design would articulate its mass well and it would not appear out of scale with the host building, nor the massive development of two and three storey rear and flank extensions visible upon the buildings which bound the public domain of Lammas Park. It would make use of opportunities for attractive outlook across the park, creating an increased sense of openness within the site.

15. Interested parties have expressed concern that the scheme would constitute overdevelopment of the plot. As outlined above, the intensification of residential use and densification is supported by spatial policy, subject to its being sensitive to local character. Although the development surrounding the appeal site is relatively modest in scale, the appeal site benefits from a larger plot and therefore the plot coverage of the appeal site would be akin to that of surrounding property. The development would make effective use of land yet retain appropriate spacing with its boundaries. Moreover, the design of the scheme would integrate well with the relative scale and proportions of development within the context of varied public viewpoints. As such, the appeal scheme would not appear cramped or out of keeping with the grain and pattern of development within the area.
16. Lammas Park is public open space and Metropolitan Open Land (MOL). The site itself is outside the boundaries of the MOL, and therefore the development is not inappropriate development in accordance with the LP and Framework. The design, siting and massing of the appeal scheme would be in keeping with the other extended buildings which bound the park, which form the built context of the park. As such, it would not adversely affect the MOL.
17. The scheme therefore complies with policies 7.4 and 7B of the Ealing Council Development Plan Document (DPD), adopted 2013, policies D3 and D4 of the LP, and the Framework. These policies seek, amongst other things, high quality design which integrates well with its surroundings, and which is sympathetic to local character.

Living conditions

18. Occupiers of neighbouring property- The appeal site is semi-detached with 62 Clovelly Road on its eastern flank. Above ground floor, the elevations of the appeal site and no. 62 would align. The ground floor of the appeal site would extend 3 metres beyond the rear wall of no.62 at 3 metres height. As such, the appeal scheme would not overbear or overshadow no. 62. No windows or balconies would be orientated towards the private areas of no. 62 and thus the appeal scheme would not create additional overlooking to that property. As such the appeal proposal would not unacceptably impact on the living conditions of neighbouring occupiers.
19. The proposed balconies would achieve visual interest outlook towards Lammas Park. Interested parties have raised concerns about a loss of privacy of park users; however, the park is a public space which is widely overlooked both by surrounding properties and by other users of the park. Natural surveillance of such public open spaces creates greater safety and security for users. In any case, the appeal scheme proposes a landscaped boundary which would filter views or entirely screen the park.
20. Future occupiers of the appeal scheme- The Nationally Described Space Standards (NDSS), adopted March 2015, Standard 29 of the London Housing Supplementary Planning Guidance (SPG) and Policy D6 of the LP require specific standards of accommodation for residential development in terms of internal space (qualitative and quantitative) and accessibility; some of which are set out in Table 3.1 of the LP. The proposed flats would meet or exceed the requirements for gross internal floor space, individual bedroom sizes and internal ceiling heights. Moreover, the flats would be dual aspect and would achieve relevant daylight targets during winter and summer.

21. All of the flats, except Flat 6, would meet the requirements for outdoor amenity space. Flat 6 would provide 6 square metres of outdoor amenity space, rather than the required 7 square metres. However, the flat would have high-quality outlook and would be in very close proximity to a public park.
22. Therefore, the appeal scheme would on balance comply with policies D3, D4, D6 and D8 of the LP and Policies 7A and 7B of the DPD, as well as the Framework and related guidance. These policies seek, amongst other things, good design which provides high quality amenity.

Highway safety and transport

23. Due to the PTAL rating and suburban location of the site, Table 10.3 of the LP seeks 0.75 car parking spaces per 1-2 bedroom. Whilst the site has an existing access, it would not be able to accommodate the requisite car parking. Moreover, the site is within a Controlled Parking Zone (CPZ). Interested parties have raised extensive concerns regarding the existing pressure for on-street parking due to the Clovelly gate to Lammas Park which is adjacent to the site, congestion and noise or disruption resulting from additional vehicles entering and egressing the site. Policy T4 of the LP seeks to ensure that the safety and capacity of the road network is not adversely affected by development. On-street or on-site car parking would not comply with the aims of policy T4.
24. It is proposed that the development is car-free, in accordance with policy T6 of the LP, which seeks a balance between active sustainable forms of travel with site locations. As outlined above, despite its PTAL rating, the site is relatively well-connected to public transport and local services. The unilateral undertaking (UU) submitted with the appeal would prevent future residents from seeking parking permits within the CPZ, thereby effectively ensuring the development would be car-free, overcoming the conflict with policy T4.

Biodiversity

25. Interested parties are concerned that the loss of open space within the site would harm ecology. A large proportion of the development proposed would be within the footprint of the existing extensions, which are to be demolished. The site and its immediate surroundings are not designated, however there is a Site of Local Importance for Nature Conservation (SLIC) within Lammas Park, albeit some distance from the boundaries of the site. A desk-top appraisal and the Council have raised no issues in respect of ecology and there is no evidence to suggest that any harm would arise given the context and circumstances of the site and proposal, in accordance with LP policy G6.

Trees and landscaping provision

26. The appeal is supported by a tree survey and an updated arboricultural report which demonstrates that with the appropriate tree protection secured by condition, no harm will come to trees surrounding the site, in accordance with LP policy G7.

Drainage, refuse and recycling

27. The site is located within Flood Zone 1 (FZ1) and is at low risk of flooding. It is within a critical drainage area and the scheme is supported by a Drainage Strategy which indicates that the site is at no risk of flooding subject to

appropriate Sustainable Urban Drainage (SUDs) secured by a condition, in accordance with policies SI12 of the LP and 5.12 of the DPD.

28. The proposal includes sufficient space for the required refuse storage and provision for appropriate collection, in accordance with policies SI7 of the LP and relevant guidance.

Other considerations

29. Interested parties made extensive representations in relation to the application and appeal. Most have been directly addressed above where they relate to the material considerations for the appeal.
30. In addition, climate concerns have been raised. Climate considerations pervade the material considerations of the appeal and are addressed in the planning balance.
31. Other specific infrastructure is addressed via Community Infrastructure Levy (CIL) and the UU.
32. Safety and crime prevention have been addressed by way of the design of the scheme and relevant building control standards.

Conditions

33. The Council has requested a total of 10 conditions, which have been agreed by the Appellant. These include the standard conditions relating to time limit and approved plans; to ensure the development takes place in a timely manner in accordance with the proposed scheme. Landscaping, tree protection, tree monitoring, and materials conditions would ensure the scheme integrates well with the surroundings. A construction management plan would minimise disruption and disturbance to the area and its occupants. In line with the car-free active travel focus of the scheme, a condition requiring bicycle parking is necessary. I am satisfied that these conditions are necessary and reasonable, and that they meet the legal and policy tests for conditions.

Conclusion and planning balance

34. For the reasons set out above, the appeal scheme would be sustainable development which would accord with the relevant policies of the development plan. No material considerations indicate that the appeal should be determined other than in accordance with the development plan. The appeal is accordingly allowed.

Kim Langford Tejrar

INSPECTOR

Schedule of Conditions:

- 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PR-001 Rev F (Proposed Site Plan); PR-101 Rev F, (Proposed Ground Floor Plan); PR-102 Rev F (Proposed First Floor Plan); PR-103 Rev F; (Proposed Second Floor Plan); PR-104 Rev F (Proposed Roof Plan); PR-200 Rev F; (Proposed Front Elevation); PR-201 Rev F (Proposed Side Elevation); PR-202 Rev F, (Proposed Rear Elevation); PR-300 Rev F (Proposed Section AA); PR-301 Rev F (Proposed Section BB); PR-302 Rev F (Proposed Section CC); PR-303 Rev F (Proposed Section DD); PR-304 Rev F (Proposed Section EE) ; 001 Rev B (Proposed Landscape Plan dated 09/02/2022); Design and Access Statement, dated February 2022; Flood Risk Assessment, Version 1.7 dated March 2022; Tree Survey, Rev E, dated 03/05/2022; Daylight and Sunlight (within Development) Report F-ROL-046-2.6, dated 16 March 2022; Daylight and Sunlight Neighbouring Properties), dated 11 June 2021; and Daylight and Sunlight Addendum, dated 16 March 2022; Preliminary Ecology Desktop Appraisal (9375 , dated 01/03/2021).
- 3) Notwithstanding condition 2, prior to the first occupation of the development, all hard and soft landscaping shall be implemented in accordance scheme listed in condition 2. Any trees or plants which die or are removed within the first 5 years following the implementation of the scheme shall be replaced during the next planting season.
- 4) Notwithstanding condition 2, the external materials and finishes used in construction of the development shall be in accordance with the plans and documents listed in condition 2 and the Design and Access Statement.
- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - a) Control measures for:
 - Noise and vibration (according to Approved CoP BS 5228-1 and - 2:2009+A1:2014).
 - Dust (according to Supplementary Planning Guidance by the GLA (2014) for The Control of Dust and Emissions during Construction and Demolition).
 - Lighting ('Guidance Note 01/20 For The Reduction of Obtrusive Light' by the Institution of Lighting Professionals).
 - b) Details related to:
 - Hours of work and all associated activities audible beyond the site boundary restricted to 0800-1800hrs Mondays to Fridays, 0800 -1300 Saturdays.
 - Neighbour liaison, notifications to interested parties.
 - Public display of contact details including accessible phone numbers for persons responsible for the site works for the duration of the works.

- Delivery locations.
 - Audit of existing condition of roads and footways to ensure that they be restored if damaged during construction.
 - The construction lorry route from the main distributor roads and the number of constructions related vehicles, which would be travelling to the application site. A drawing showing signing for the construction vehicles is also required.
 - Key dates of various stages and all the emergency contacts during construction.
 - Abnormal load delivery vehicle routes and dates of these deliveries.
 - Swept path envelopes for construction lorries.
- 6) Prior to the occupation of the development, cycle storage shall be provided as shown on hereby approved drawing number PR-101 – Proposed Ground Floor (Revision F; dated February 2022) for a minimum of ten (10) cycle spaces. These facilities shall be fully implemented and made available for use prior to the first occupation of the development hereby permitted and shall thereafter be retained for use permanently thereafter.
- 7) Refuse and recycling storage shall be provided, as per hereby approved drawing number drawing number PR-101 – Proposed Ground Floor (Revision F; dated February 2022), in line with Local Authority Standards and shall comprise bins for waste separation into non-recyclable, recyclable and food waste and shall be retained for the lifetime of the development.
- 8) No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees and hedgerows has been submitted and its installation on site has been approved in writing by the Local Planning Authority. All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall provide for:
- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837*, with tree works proposals. All trees must be plotted on a site plan, clearly and accurately depicting trunk locations, root protection areas and canopy spreads. A plan detailing all trees and hedgerows planned for retention and removal.
 - A schedule of tree works for all the retained trees specifying pruning and other remedial or preventative work, whether for physiological, hazard abatement, aesthetic or operational reasons. All tree works shall be carried out in accordance with BS 3998.
 - Soil assessments/survey
 - Timing and phasing of works
 - Site specific demolition and hard surface removal specifications

- Site specific construction specifications (e.g. in connection with foundations, bridging, water features, surfacing)
 - Access arrangements and car parking
 - Level changes
 - Landscaping proposals
 - A Tree protection plan in accordance with BS5837 detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.
 - Soil remediation plans, where unauthorised access has damaged root protection areas in the construction exclusion zones.
 - Details of the arboricultural supervision schedule.
- 9) The development hereby approved shall be constructed in accordance with a suitable Tree Monitoring Program.
- (a) Prior to the commencement of development (including ground works and site clearance), the following shall be submitted to and approved by the Local Planning Authority:
- A tree monitoring program to include:
- Confirmation of who shall be the lead arboriculturalist for the development.
 - Confirmation of the Site Manager, key personnel, their key responsibilities and contact details.
 - Details of induction procedures for all personnel in relation to Arboricultural matters.
 - A detailed timetable of events for arboricultural supervision concerning all tree protection measures within the approved Tree Protection Plan, including:
 - o Prestart meeting with an Ealing Council Tree Officer
 - o Initial implementation/installation of the tree protection measures
 - o Approved incursions into construction exclusion zones
 - o Final removal of the tree protection measures
 - Procedures for dealing with non-approved incursions into the construction exclusion zones as detailed in the approved Arboricultural Method Statement.
- (b) Within three months of first use of the development hereby approved, a report containing the following details shall be submitted to and approved by the Local Planning Authority:
- Results of each site visit by the lead arboriculturist with photos attached.
 - Assessment of the retained and planted trees including any necessary remedial action as a result of damage incurred during construction.

- 10) No trees, shrubs or hedges within the site which are shown to be retained on the approved plans listed in Condition 2 shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without previous written consent of the Local Planning Authority. Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation. Any trees removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced in accordance with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.