



Appeal Decision

Site visit made on 20 June 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/A5270/W/22/3312104

43A Graham Road, Ealing, Chiswick W4 5DR

- 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 Radcliffe London Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221906FUL, dated 3 May 2022, was refused by notice dated 1 July 2022.
 - The development proposed is two new terraced two bedroom houses to replace an existing workshop.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: i) the principle of development, with regards to the loss of an employment site; ii) the effect of the proposed development on the living conditions of future occupiers, and the occupiers of No. 14 Clovelly Road, with particular regard to outlook and sunlight; and iii) the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Principle of development

3. The site is currently in employment use as a mechanics workshop. Policy 4A of the Development Management Development Plan Document, adopted December 2013 (DM DPD) sets out that redevelopment of a site for a non-employment use will only be allowed if certain criteria are met, including that it has been demonstrated that the site is no longer viable for re-occupation or alternative employment uses. Policy E7 of the London Plan, March 2021 (London Plan), contains a similar test for sites, such as this, that aren't allocated for alternative uses, or where the proposed development is not mixed-use intensification.
4. In this instance, the appellant has submitted a commercial overview report for the site, alongside their statement, in order to consider its merits. The report identifies a number of factors that may mean that there is little or no demand for keeping the site in employment use. These include the lack of space, the residential surroundings, a lack of parking and the extensive work required to modernise the facilities.
5. The Council has not submitted a statement for this appeal and so they have not commented on this report. However, even if I were to agree with the

conclusion of this document, I have no evidence before me to suggest that the site has been marketed for continued employment use. I cannot therefore be certain that there would be no interest in keeping the site as a mechanics workshop, or another form of employment, and I therefore cannot conclude that the site is not viable for continued employment use. While the current business might be run by a sole individual who is retiring, this does not mean that the loss of the site for employment purposes would be acceptable in policy terms. I also have no substantive evidence before me to suggest that the current use of the site harms the living conditions of nearby residents, or that alternative employment uses would be unacceptable in this regard.

6. As a result, I conclude that the principle of the proposed development is not acceptable and it is therefore in conflict with Policies E4 and E7 of the London Plan, as well as Policy 4A of the DM DPD, which taken together, seek to maintain existing employment sites unless it has been demonstrated that employment use is no longer viable.

Living conditions

7. At present the existing workshop building, and a reasonably tall boundary wall, are situated very close to the rear garden of No. 14 Clovelly Road. The proposed development would provide two new homes on the site. The western most of the two (hereafter referred to as the western dwelling) would be located a similar distance from the rear garden as the workshop and brick wall. However, the western dwelling, being two storeys in height, would be significantly taller than either of those features. Given that the appeal site is located to the south of No. 14, it is likely that the development would result in significantly less sunlight reaching the rear garden of that property. It would also likely provide an increase in the sense of enclosure and the garden would therefore feel less open and spacious. This issue would be exacerbated by the fact that Clovelly Road sits slightly below the level of Graham Road. While there is an existing alley between the appeal site and No. 14, it is very narrow and does little to mitigate this issue.
8. The rear garden of the western dwelling would be relatively small but would still be of a sufficient size to perform its function as a private outdoor recreation space. However, it would be tightly bounded, both to the south and west, by the two storey elevations of the dwelling. As a result, it is likely that the garden would receive very little sunlight during the day, particularly given its relatively small size. This would significantly detract from the attractiveness of the garden as a recreation space. The fact that there is a public outdoor space relatively nearby does very little to mitigate this harm.
9. Both proposed dwellings would have bedrooms at second floor level within the roof spaces. They would not have windows and would only be served by roof lights. However, given the pitched design of the roofs, it is likely that these roof lights would provide some form of outlook onto the street. In addition, this arrangement is not uncommon, and indeed there are similar examples near to the appeal site, including the neighbouring No. 43B. I am therefore satisfied that the outlook from the second floor bedrooms would be sufficient.
10. However, I conclude that harm would be caused to the living conditions of the future occupiers of the western dwelling, with regards to sunlight, as well as the occupiers of No. 14 Clovelly Road, with regards to outlook and sunlight. This would be contrary to Policies D4 and D6 of the London Plan, Policy 7B of

the DM DPD and Policy 1.1(g) of the Development Strategy 2026 Development Plan Document, April 2012. Taken together, the relevant aspects of these policies seek to ensure that new development is of a high quality design, that it protects communities, and provides good living conditions for future occupiers and those of neighbouring properties. It is also in conflict with Section 12 of the National Planning Policy Framework (NPPF), which in part, also seeks to protect living conditions.

11. Policies 7.4 of the DM DPD concerns character and appearance and so is not relevant to this issue. In addition, Policy 7D of the same document requires access to a sufficient amount of open space. I am satisfied that the size of the proposed gardens is in conformity with this policy. The decision notice also references Section 7 of the NPPF. However, this isn't relevant to the proposed development given that it concerns the vitality of town centres.

Character and appearance

12. The appeal site is located on Graham Road which is largely characterised by a number of relatively narrow two storey semi-detached dwellings with bay windows and front facing gables. Most of these homes are set slightly back from the road. However, in the immediate area around the appeal site, there is a greater variety of styles. For instance, there is a block of flats opposite, known as Carelia Court, while No's. 51 to 57 form a terrace of dwellings with mansard roofs.
13. The proposed dwellings would be two storeys in height and would have similar design features to many of the homes on Graham Road, including bay windows and front facing gables. While they would be set close to the road, No. 43B, which would adjoin the proposed dwellings, is set back a similar distance. The two dwellings would also be slightly wider than others nearby, including No. 43B, which would mean certain features such as the bay windows would be a different shape. However, the differences are not substantial, and in the main, the two dwellings would conform with the predominant character of the area. In any event, the greater variety of building styles and sizes in the immediate area around the appeal site means that the two proposed dwellings wouldn't appear incongruous or out of place with their surroundings.
14. As a result, the proposed development is in conformity with Policies D1, D3 and D4 of the London Plan, as well as Policies 7.4 and 7B of the DM DPD. Taken together, these policies require development to be well designed and to complement existing character and appearance.

Other Matters

15. The proposal would provide two dwellings and there would be some economic benefits associated with that. However, given the small scale of the proposal, these benefits are very limited and do not overcome the conflict with the development plan that I have identified.

Conclusion

16. I have found that the appeal proposal would cause harm in relation to living conditions and the loss of an employment site. Consequently, the proposal would conflict with the development plan taken as a whole, notwithstanding that I have found no harm to character and appearance.

17. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR