The Planning Inspectorate

Appeal Decision

Site visit made on 18 September 2023

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31.10.2023

Appeal Ref: APP/A5270/W/23/3318016
Land to the rear of 1288 Greenford Road, Greenford, Ealing UB6 0HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Nick Higgins against the decision of the London Borough of Ealing.
- The application Ref 224619OUT, dated 31 October 2022, was refused by notice dated 21 December 2022.
- The development proposed is described as 'The erection of a detached building comprising of a commercial unit and one bedroom flats'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading is taken from the planning application form, however I have deleted the superfluous words that are not acts of development.

3. The application was made in outline with only access sought for approval. I have therefore had regard to the submitted drawings on an indicative basis in so far as they relate to the reserved matters. In addition, a plan showing a typical flat layout has been submitted as part of the appeal. As this is indicative and the Council has had the opportunity to comment, it would therefore not cause an injustice should I consider this plan.

4. The Council's second refusal reason alleges harm to highway and pedestrian safety by reason of the proposed vehicle parking layout and access arrangements. However, given the access is already in use, there is no clear reason why any harm to highway safety would arise. Furthermore, it is evident from the officer's report that the Council's concern relates to the parking space provision and the effect this would have on sustainable travel choices and disabled access. given the access is already in use, there is no clear reason why any harm to highway safety would arise.

Main Issues

5. The main issues are therefore:

   - the effect of the proposed development on the supply of employment land and premises to meet current and future demand;

- whether the proposal would include appropriate provision for the parking of vehicles to encourage sustainable travel choices and enable access by disabled persons; and
- whether the development would provide appropriate living conditions for future occupiers, having regard to outlook and private amenity space.

Reasons

Effect on employment land supply

6. The appeal site comprises a commercial storage yard with an area of hardstanding and an ancillary commercial building, enclosed by palisade fencing. It lies to the rear of a row of 3 storey terraced properties that front Greenford Road, with commercial uses at ground floor and residential uses above. The site, which is currently used for the storage of motor vehicles, is accessed via a service road to the rear of the properties, from Horsenden Lane North.

7. The appeal proposal seeks the redevelopment of the site to include the erection of a detached 2 storey building with 3 one bedroom flats at first floor level and a commercial unit and parking at ground floor level.

8. Policy 4A of the Ealing Development Management Development Plan Document adopted 2013 (DPD) sets out that on sites such as the appeal site, which are not within Strategic Industrial Locations, Locally Significant Industrial Sites or Site Allocations, the change of use from employment uses, or the redevelopment of the site for a non-employment use, may be permitted where it can be demonstrated that; the site is not viable for re-occupation or an alternative employment use and that the proposal does not constrain or undermine neighbouring employment uses. Policy 4A indicates that where retaining a building or site in employment use is not viable the council will seek mixed use development which maximises the number of jobs provided.

9. Policy E4 of the London Plan 2021 (LP) seeks to ensure a sufficient supply of land and premises in different parts of London to meet current and future demands for industrial and related functions is provided and maintained, including provision for the varied operational requirements of a variety of uses, including storage and logistics/distribution (Use Class B8).

10. LP Policy E7 Part C sets out mixed-use or residential development proposals on Non-Designated Industrial Sites should only be supported where specific criteria are met. This includes that there is no reasonable prospect of the site being used for the industrial and related purposes set out in Part A of Policy E4; or it has been allocated in an adopted local Development Plan Document for residential or mixed-use development; or industrial, storage or distribution floorspace is provided as part of mixed-use intensification.

11. The proposal, which would see the introduction of residential units alongside a new commercial unit would constitute a mixed use. Policy 4A of the DPD supports mixed use on sites only where retaining the employment use of the site or building is not viable. Whilst the existing building on the site would be replaced with a commercial use of a similar footprint, with a similar number of employees proposed, the remaining land, which is currently used as a storage yard as part of the employment use of the site, would be lost. The proposal would therefore lead to a reduction in the site area currently used for

employment purposes and would consequently diminish the contribution the site makes to the current availability of employment land and flexibility in its ability to accommodate any future uses.

12. I note the appellant's suggestion that the access arrangements mean that only small-scale storage and distribution activities are suitable for the site and that it would not be suitable for use for industrial and related functions advocated by Policy E4. Policy E4 sets out that such uses include a broad range, such as light industry, storage and logistics/distribution, flexible hybrid space and low-cost industrial and related space for micro, small and medium-sized enterprises. Given that the site appears to be currently operating successfully, there is no substantive evidence as to why the existing business use of the site could not continue, or that an alternative similar small-scale business could not operate from the site.

13. As such, there is nothing before me to demonstrate that the retention of the employment use of the site as a whole is not viable or that it could not continue to contribute to employment land provision in the area.

14. For the foregoing reasons I therefore conclude that the proposal would have an adverse effect on the supply of employment land and premises to meet current and future demand. Accordingly, the proposal would conflict with the aims of Policy 4A of the DPD and Policies E4 and E7 of the LP.

Parking provision

15. The proposed parking provision to serve the development would exceed the maximum parking standards set out in Table 10.3 of the LP and would fail to include Blue Badge parking. I also note the Council's concern regarding the number of parking spaces proposed to serve the commercial unit. Nevertheless, the submitted proposed site plan and proposed plans and elevations of the building are indicative and submitted for illustrative purposes only. Moreover, there is nothing before me to suggest that appropriate levels and types of parking spaces, having regard to the accessibility and connectivity of the site, could not be provided as part of a reserved matters scheme relating to the layout of the development.

16. Accordingly, appropriate provision for the parking of vehicles to encourage sustainable travel choices and accessibility for disabled persons could be agreed as part of a reserved matters approval for layout of the development. I therefore conclude that the proposal would accord with Policy T6 of the LP, which among other things, sets out that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity and that appropriate disabled persons parking for Blue Badge holders should be provided.

17. The Council's refusal reason includes reference to Policies GG2, D1, D3, D4, D6, D11, T2, T3 and T7 of the LP. These policies relate to securing growth and the most appropriate form and land use in areas through the use of area assessments, optimising site capacity, the processes which assist in ensuring the delivery of design quality, housing quality and standards, safety and security, patterns of land use that facilitate residents making shorter, regular trips by walking or cycling, the delivery of strategic transport connectivity and sustainable freight movement. Its submissions do not allege conflict with these policies, having specific regard to car parking provision. The Council also refer

to Policies 3.5 and 7.4 of the DPD in their refusal reason, however these relate to space standards and local character and are therefore not relevant to the matter of car parking provision, nor is Section 12 of the National Planning Policy Framework, which relates to good design.

Living conditions of future occupiers

18. The submitted 'typical flat layout' drawing, whilst indicative, shows that, although single aspect, the units could be designed to include a window to serve both the bedroom and living spaces. Consequently, each room within the flats aside from the bathrooms would have a window opening in the wall of the building. Furthermore, based on the position of the site and its relationship with the adjoining properties, it is likely that there would be scope to incorporate additional window openings in the flank elevations of the proposed building. This would mean 2 of the units could be designed to be dual aspect, if so desired.

19. In addition, despite the outlook from the windows towards the service road between the existing and proposed buildings, there is adequate separation distance between the windows and the rear elevation of the neighbouring properties fronting Greenford Road to ensure an adequate level of outlook could be achieved.

20. The illustrative plans also show that each one bedroom one person first floor flat would have outdoor space in the form of a balcony, which the appellants submissions indicate would be 10m^2. This would provide space for future occupiers to carry out the usual outdoor activities associated with a residential property, such as the drying of clothes or the siting of a small table and chairs. Given the modest scale of the units the amenity space would be of a sufficient size to meet the reasonable expectations of future occupiers of the proposed development.

21. Whilst the depth of the balcony shown indicatively falls sort of the 1.5m standard set out in the Mayor of London's Housing Supplementary Planning Guidance adopted November 2012 (SPD), given the modest shortfall, there is nothing before me to suggest this could not be addressed as part of the reserved matters application.

22. The refusal reason also suggests that the accommodation would be insecure, however it is unclear from the Council's submission as to how such harm would result, or that it could not be addressed as part of a detailed scheme.

23. Consequently, I therefore conclude that an acceptable scheme having regard to living conditions for future occupiers, in terms of outlook and private amenity space, could be achieved at the reserved matters stage. In that regard the proposal would accord with Policy D6 of the LP in so far as it seeks housing development of a high quality design, with functional layouts that are fit for purpose, with an appropriate amount of private outdoor space; Policy 7D of the DPD which expects development to make an appropriate contribution towards meeting the additional demand for open space; and Policy D11 of the LP which among other things requires buildings maximise building resilience and minimise potential physical risks, including measures to design out crime.

24. It would also accord with Policy 3.5 of the DPD, which sets out that minimum space standards will apply to new residential development and Policy 7B of the

DPD which requires new development to achieve a high standard of amenity for users, as well as advice in the SPD in so far it relates to the provision of private outdoor space.

25. I note the refusal reason refers to Policy D5 of the London Plan which requires development to achieve the highest standards of accessible and inclusive design and Policy 7.3 of the DPD, which requires consultation with the local Metropolitan Police Crime Prevention Design Advisor (CPDA). The Council has not clarified why conflict with this policy may arise and I see no reason that a policy compliant scheme could not be produced at reserved matters.

26. Policy D1 of the LP is a more strategic policy aimed at securing growth and the most appropriate form and land use for areas through the use of area assessments, amongst other things, and Policy D4 of the LP focuses principally upon processes which assist in ensuring the delivery of design quality. As such the content of these policies is largely irrelevant to the specific harm I have identified.

Conclusion

27. Appropriate parking provision and living conditions for future occupiers could be secured at the reserved matters stage. These are neutral matters in the planning balance. I have found that the proposal would result in the unacceptable loss of employment land and, therefore, would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR