



Appeal Decision

Site visit made on 24 October 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/A5270/W/23/3318630

Land to r/o 2 Ashfield Road, London

- 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 full planning permission.
 - The appeal is made by Allnutt (Ashfield Road Investments Ltd) against London Borough of Ealing.
 - The application Ref 220865FUL, is dated 1 March 2022.
 - The development proposed is described as, *'proposal to provide a new, detached part-submerged two-storey private dwellinghouse on land to the rear of 2 Ashfield Road'*.
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Decision

1. The appeal is allowed and planning permission is granted for development described as, *'proposal to provide a new, detached part-submerged two-storey private dwellinghouse on land to the rear of 2 Ashfield Road'* at land to r/o 2 Ashfield Road, London in accordance with the terms of the application, Ref 220865FUL, dated 1 March 2022, and the plans submitted with it, subject to the conditions set out on the attached schedule.

Procedural Matters

2. The location of development as set out in the above banner heading has been taken from the appeal form as this accurately describes the location of the site.
3. I have determined this appeal on the basis of the Council's failure to determine the planning application within the statutory timescale. There is no decision notice associated with the application nor a statement of case from the Council setting out any concerns raised. The main issues below are therefore taken from the information contained within the appellant's statement of case which includes correspondence from the Council regarding their concerns as well as noting third party representations. I have had regard to the referred to policies within the appellant's statement of case and subsequently requested these policies from the Council which have been provided and thus concluded against below.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on the living conditions of existing neighbouring occupiers in terms of outlook and privacy; and

- Whether the proposed development would provide acceptable living conditions for future occupiers in terms of daylight/sunlight and outlook.

Reasons

Character and appearance

5. The appeal site is located to the rear of No 2 Ashfield Road (No 2) which comprises a two-storey semi-detached dwelling located on a prominent corner plot within a residential setting. The site currently serves as part of the rear garden space to the host property and there is a single storey outbuilding located to the south-western boundary with access taken from Bromyard Avenue to the west. The site is otherwise enclosed by boundary treatments and thus is well screened.
6. The surrounding area is characterised by 2 storey semi-detached properties and blocks of flats. To the north and east are the row of semi-detached properties that front onto Ashfield Road with gardens to the rear. To the south lies a row of townhouses comprising a number of floors and these sit at a higher level than the properties along Ashfield Road including their garden areas. The site is bound to the west by Bromyard Avenue which comprises a roundabout with a block of flats located centrally. Overall, the built development nearby is varied in terms of form, scale, and appearance with a range of materials being used.
7. The proposed development amongst other works, seeks to provide a new, detached part-submerged two-storey dwellinghouse at the location where the existing outbuilding sits which would be demolished to facilitate the works.
8. The proposed development would be split over two levels and as a result, it would not be substantially taller than the existing outbuilding on the site and would continue to be well screened by boundary treatments. On this basis, only a limited proportion of the dwelling would be visible on approaching the site along Bromyard Avenue. Whilst the proposed dwelling would be larger overall than the existing outbuilding and would be located close to its site boundaries, it is not of a size, scale or appearance to detract from the area nor appear overly prominent in this context. Sufficient space would still exist between the host property and the townhouses to the south to ensure that the proposed dwelling would not appear dominant or cramped within this context and in any event, would not appear discordant when viewed in context of the diverse form, scale, and appearance of other properties nearby.
9. For the above reasons, I conclude that the proposed development would not unacceptably harm the character and appearance of the surrounding area. It would therefore accord with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document, 2013 (DPD) and Policy D3 of the London Plan, 2021 which together, amongst other matters, explains that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Living conditions – existing

10. Whilst the appeal site would be visible from adjacent properties including the host property No 2, the proposed dwelling would not be substantially taller

than the existing outbuilding on the site and I note that this element of the proposed development has been significantly reduced in comparison to a previous planning application¹ which was refused and subsequently dismissed at appeal². The proposed height in comparison to the existing building would mean that outlook from No 2 and the townhouses to the south would not be so substantially different to that of the existing or be domineering or overbearing. A large proportion of the proposed dwelling would also be screened by boundary treatment.

11. Turning to matters of privacy, the windows proposed within the upper ground floor have been carefully designed and positioned to minimise levels of overlooking. The windows located within the north elevation facing No 2 including their rear amenity space would comprise small and narrow oriel windows which would be angled away from the host property with opaque panels to one side. This means that outlook would face towards Bromyard Avenue and I am content that this arrangement would ensure that existing occupiers of No 2 would not be unduly harmed by loss of privacy. The larger window located within the east elevation at upper ground floor would face out onto its own amenity area located to the east and associated boundary fencing which separates the site from the neighbouring garden serving No 4 Ashfield Road (No 4). Given the nature of the part submerged property, its upper floor level would be relatively low in height and this, together with the height of the proposed boundary fencing would restrict any direct overlooking towards the rear garden area serving No 4. There is also a smaller window proposed on the east elevation at upper ground floor level. However, this would be of an opaque form where views would be restricted.
12. Having regard to the townhouses to the south, there are no windows proposed on the southern elevation and any views would therefore be limited to the windows located within the east elevation at upper ground floor level which are positioned in a way where only angled views could be had from these windows towards the townhouses. That said, one of the windows would be opaque as set out above, and the proposed boundary treatment along the eastern and southern boundary would restrict views of these properties and their associated amenity areas. Additionally, and whilst not determinative, I observed that there is some landscaping located along the southern boundary which would also help to filter any views.
13. I am therefore satisfied that existing occupiers of No 4 and the townhouses located along Bromyard Avenue would also not be unduly harmed by loss of privacy.
14. For the above reasons, I conclude that the proposed development would not have an unacceptable impact on the living conditions of existing neighbouring occupiers in terms of outlook and privacy. It would therefore accord with Policies 1.1, 1.2 and 4.1 of the Ealing Development Strategy 2026 Development Plan Document, 2012 and Policies 7.4 and 7B of the DPD which together, amongst other matters, requires new development to achieve a high standard of amenity for adjacent users.

¹ 216866FUL

² APP/A5270/W/22/3303564

Living conditions – future occupiers

15. As referred to above, a number of small and narrow windows are proposed on the north elevation which would comprise oriel windows which would be angled away from No 2 with opaque panels to one side in order to prevent overlooking. Whilst this arrangement reduces levels of outlook and levels of daylight/sunlight generally, this would not be removed completely, and the dwelling would benefit from other habitable spaces at both lower ground floor and upper ground floor level where there are several larger windows/openings providing for good levels of outlook and light generally. The smaller window proposed on the east elevation at upper ground floor level would be opaque. However, the larger window within the same elevation would provide for good levels of outlook and light. The lower ground floor plan would also largely be open plan and there would be a large opening to the eastern elevation where outlook and light can be had when utilising the living, kitchen, and dining area spaces. Consequently, I consider that overall, future occupiers would have sufficient levels of outlook and daylight/sunlight at both lower ground floor and upper ground floor level.
16. For the above reasons, I conclude that the proposed development would provide acceptable living conditions for future occupiers in terms of outlook and daylight/sunlight. It would therefore comply with Policy 7B of the DPD which amongst other matters, requires new development to achieve a high standard of amenity for users.

Other Matters

17. I have reviewed all matters raised by third party representations as part of my decision and acknowledge the concern regarding the access arrangements onto Bromyard Avenue. However, this is an existing vehicular access point, and the proposed development would provide one dwelling and any movements associated with a development of this size would not be likely to give rise to an unacceptable impact.
18. I appreciate the concerns regarding construction noise/pollution associated with the proposed development. Any future construction activity associated with the development can be controlled by a suitably worded planning condition which I have applied.
19. Concerns have been raised in relation to the loss of light to neighbouring properties. However, I am content that the overall layout, separation distance that exists and limited height, the proposed dwelling would not result in harm in terms of loss of light particularly taking into account the existing outbuilding that exists onsite.
20. The previous planning appeal under reference APP/A5270/W/22/3303564 covered matters relating to garden space for future occupiers where it was concluded that the amenity space was substandard. This provision has since been increased to overcome previous concerns raised and I am satisfied that future occupiers would have sufficient garden space.

Conditions

21. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. A condition relating to materials is necessary in the interests of the satisfactory appearance of the development. A

condition relating to a Construction Method Statement is necessary in the interests of highway safety and amenity. A scheme of hard and soft landscaping is also necessary in the interests of residential and visual amenity.

Conclusion

22. For the above reasons and having had regard to the development plan as a whole, the appeal should be allowed.

N Teasdale

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. 2182-NMA-00-ZZ-DR-B-00001 Revision P3; Block Plan – Proposed Drawing No. 2182-NMA-00-ZZ-DR-A-00002 Revision P7; Lower Ground Floor Plan – Proposed Drawing No. 2182-NMA-00-ZZ-DR-A-00100 Revision P10; Lower Ground Floor Plan - 'No Skyline' Drawing No. 2182-NMA-00-ZZ-DR-A-00101 Revision P1; Lower Ground Floor Plan – VSC Drawing No. 2182-NMA-00-ZZ-DR-A-00102 Revision P1; Upper Ground Floor Plan- Proposed Drawing No. 2182-NMA-01-ZZ-DR-A-00100 Revision P9; Roof Plan – Proposed Drawing No. 2182-NMA-RF-ZZ-DR-A-00100 Revision P9; Elevations – Proposed Drawing No. 2182-NMA-00-ZZ-DR-A-00200 Revision P10; Site Section Drawing No. 2182-NMA-00-ZZ-PH-B-00601 Revision P6; Sections – Proposed Drawing No. 2182-NMA-00-ZZ-DR-A-00300 Revision P9; Street Elevation - Existing and Proposed Drawing No. 2182-NMA-00-ZZ-DR-A-00301 Revision P5; Site Photos - Junction with Bromyard Avenue Drawing No. 2182-NMA-00-ZZ-PH-B-00602 Revision P3; Proposed Perspective Views Drawing No. 2182-NMA-00-ZZ-DR-A-00704 Revision P7; Person-View Perspectives Drawing No. 2182-NMA-00-ZZ-DR-A-00705 Revision P4; Parking Diagram Drawing No. 2182-NMA-00-ZZ-DR-A-00707 Revision P2; Street Perspectives Drawing No. 2182-NMA-00-ZZ-DR-A-00708 Revision P1.
- 3) No development shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 4) 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:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from construction works;
 - delivery and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority.

End of schedule