



Appeal Decision

Site visit made on 13 February 2024

by Peter White BA(Hons) MA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/F5730/C/23/3314267

Premises known as 1 Coronation Villas, Coronation Road, Park Royal NW10 7PL (Unit 1H and Unit 1J)

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Mr. Mohammed Samir Sheikh-Warak against an enforcement notice issued by Old Oak and Park Royal Development Corporation.
- The enforcement notice was issued on 7 December 2022.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a self-contained dwelling ('the middle building' – Unit 1J) and the change of use of an office to a self-contained dwelling (the rear building – Unit 1H) and the erection of a single storey front extension to the rear building.
- The requirements of the notice are:
 1. Cease the use of the buildings as self-contained dwellings;
 2. Remove the single storey front extension to the rear outbuilding as shown approximately outlined in red on PLAN 2 attached to the Enforcement Notice and restore the fabric of the outbuilding to a condition before the breach occurred;
 3. Remove the middle outbuilding (including the single rear storey extension and the incorporated metal shipping container) as shown approximately outlined in red on PLAN 3 attached to the Enforcement Notice.
 4. Remove from the Property, in a lawful manner, all debris resulting from compliance with the above steps.
- The period for compliance with the requirements is: 8 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of decision: Subject to corrections and variations the notice is upheld, the appeal is allowed in part, and the deemed planning application is allowed in part, in the terms set out in the Formal Decision below.

Preliminary Matters

1. The Old Oak and Park Royal Development Corporation (OPDC) is a Mayoral Development Corporation and the Local Planning Authority (LPA). Planning powers were transferred from the Council of the London Borough of Ealing in April 2015.

The Notice

2. I am required to ensure the Notice is in order, considering Section 173 of the Town & Country Planning Act 1990, which relates to the content and effect of an enforcement notice.
3. Section 2 of the Notice identifies the land as the premises known as 1 Coronation Villas, Coronation Road, Park Royal NW10 7PL (Unit 1H and Unit 1J), as shown edged red on Plan 1. The approximate location of the

“unauthorised development” is indicated with an ‘X’ on the plan. The land is therefore No 1 Coronation Villas in its entirety, although the alleged breach of planning control relates only to Unit H and Unit J in the rear yard, as indicated by the ‘X’ on the plan.

4. For clarity, and to provide consistency between the description of the land affected and Plan 1 which accompanies it, the reference to Unit 1H and Unit 1J ought to be moved from the section describing the land, to the section relating to the approximate location of the “Unauthorised Development”. No injustice would be caused to the appellant or the LPA were I to correct the notice accordingly.
5. Part of the alleged breach of planning control in Section 3 of the Notice refers to, “... the change of use of an office to a self-contained dwelling...”. It is a material change of use, not merely any change, which constitutes development for the purposes of Section 55 of the Act. However, the appellant has not made a case against the change of use, and no injustice would be caused to the appellant or the LPA were I to correct the Notice to insert the word “material” before ‘change of use’.
6. Requirement 1 in Section 5 of the Notice requires cessation of use of the buildings as self-contained dwellings. However, it does not distinguish between the building containing the seven flats, and the outbuildings. As the Notice read as a whole clearly relates to the use of the outbuildings, no injustice would be caused to the appellant or the LPA were I to correct requirement 5(1) by deleting the word “buildings” and replacing it with the word ‘outbuildings’.
7. Neither would there be injustice to any party were I to correct Requirement 5(3), from “...the single rear storey extension...” to “the single storey rear extension” for clarity.
8. I have therefore corrected the notice accordingly in my formal decision.

The appeal on ground (a) and the deemed planning application (DPA)

Background and Main Issues

9. The appellant’s case on the appeal on ground (a) is limited to the retention of the single-storey front extension to the rear building (outlined in red on enforcement notice Plan 2). No case is made in relation to other aspects of the alleged breach.
10. Nevertheless, the description of development for appeals on ground (a) and the DPA is derived from the alleged breach of planning control set out in the Notice. I must therefore consider the development as a whole.
11. The main issues are therefore:
 - the effect of the development on the living conditions of residents of Units 1H and 1J, with particular regard to the quality of the buildings and standards for residential accommodation;
 - the effect of the development on the character and appearance of the area, with particular regard to the extension to the rear outbuilding;

- the effect of the development on the living conditions of residents of Flat 1B No 1 Coronation Villas (Flat 1B) and No 2 Coronation Villas (No 2), with particular regard to outlook and daylight/sunlight;
- the effect of the development on the availability of on-street car parking in the vicinity, and the effect of the lack of cycle parking on sustainable travel options for residents; and
- the need of the occupiers of Units 1H and 1J for the dwellings, with regard to their personal circumstances.

Living conditions of residents of Units 1H and 1J

12. The London Plan (2021) (TLP) Policy D6, which relates to housing quality and standards, sets minimum space standards for new dwellings. Old Oak and Park Royal Development Corporation Local Plan (2022) (OPDCLP) Policy H3, which relates to new residential developments, requires all self-contained housing to meet the LP standards. OPDCLP Policy D5, which relates to standards of amenity, sets daylight and sunlight requirements.
13. Neither unit meets the minimum standards for gross internal area or bedroom sizes, ceiling height or internal storage space. Neither do they meet the requirements for sufficient daylight and sunlight to the dwellings and courtyards providing private outdoor space. Some rooms have no windows and, where it exists, outlook is very limited.
14. In conclusion, the development results in poor quality residential dwellings which are harmful to the living conditions of current and future residents of Units 1H and 1J. It is contrary to TLP Policy D6 and OPDCLP Policies D5 and H4, which are described above.

Character and appearance

15. The Land is a semi-detached dwellinghouse which has been extended and subdivided into seven self-contained flats, with its yard, which contains units H and J. It is one of a row of six dwellings in an otherwise industrial area designated as a Strategic Industrial Location.
16. In the central area of the rear yard, Unit 1J is accessed via a set of metal gates onto Britannia Way, which also enclose a small courtyard. The cluster of structures which form a dwelling incorporates a shipping container, which is the subject of a separate enforcement notice issued in 2017¹. Some of the structures associated with Unit J are notably higher than the boundary walls and gates and are seen as an incongruous feature in a residential garden/yard, being flat roofed with prominent convex rooflights. Other elements are notable for their jumble of different materials and poor standard of finishes. Above its entrance gates, the timber frame of a canopy covering the yard supports a translucent plastic sheet roof. Poorly fitting felt roofing material and plastic sheet wall finishes are also visible above the entrance gates.
17. In the rear yard, Unit 1H comprises a brick building at the rear of the land, formerly in use as an office, extended with a shallow sloping felt roof and external walls in white plastic exterior cladding. Tall black metal gates onto Britannia Way enclose a small courtyard in front of the extension, which limits

¹ LPA reference: 17/0001/ENFOPDC

visibility of the extension from the street to a narrow element of the felt roof, its white fascia, and glimpsed views of recessed upper parts of the extension frontage. At the rear, a tall timber boundary fence obscures ground level views of the extension from the neighbouring garden.

18. The solid black gates and tall brick walls reveal little of the dwelling units behind them, and only one unit has a doorbell and a letterbox. Neither provides an active frontage or a positive reciprocal relationship between what happens inside the building and outside on the street. Although the surrounding area is distinctly industrial in character, the land is part of a cluster of residential dwellings and their gardens/yards; the development does little to respond positively to this character.
19. In conclusion, the development as a whole is harmful to the character and appearance of the area. It conflicts with TLP Policy D3 and OPDCLP Policy D3, which require well-designed buildings that positively respond to local distinctiveness, and active frontages and positive reciprocal relationships between buildings and the public realm.

Character and appearance of the extension to the rear outbuilding:

20. The appellant seeks the retention of the extension to the rear outbuilding (the extension), which is currently used as living/dining space as part of Unit 1H.
21. Section 177(1) of the Act makes provision for the grant of planning permission "in relation to the whole or any part of [the matters alleged to be in breach of planning control] or in relation to any part of the land to which the notice relates".
22. The Notice describes the alleged breach of planning control in three parts, the last of which is, "the erection of a single storey front extension to the rear building". This element of the development is severable from the remainder of the development, and I am able to consider it in isolation, as part of the matters alleged.
23. In doing so I note that in 2014 planning permission was granted for use of the brick-built rear outbuilding as an office. The application site included the land on which the extension has been constructed. Section 57(4) of the Act provides that, following the issue of an enforcement notice, permission is not required for use of land for the purpose for which it could lawfully have been used if that development had not been carried out.
24. As part of a dwelling, the extension is not sufficiently residential in character. But as part of a non-residential outbuilding, it has a more limited effect on the character and appearance of the area than the structures associated with Unit 1J. The felt roof and white fascia board visible from the street have a similar appearance to those of the former office building it is attached to. There are other outbuildings at the rear of gardens with access from Britannia Way, and with removal of the structures associated with Unit 1J, retention of the extension to the former office building would not be out of character with the surrounding area. Although there will be some visibility of the extension from the upper floors of dwellings in the row, the significant distance between them and the relatively small scale of the extension mean no material harm would be caused to local character.

25. In conclusion, subject to the cessation of its use as a dwellinghouse, and the removal of the structures associated with Unit 1J, the retention of the single storey front extension to the rear building would not harm the character and appearance of the area, and would accord with TLP Policy D3 and OPDCLP Policy D3, which are described above.

Living conditions of residents of Flat 1B and No 2

26. The structures associated with Unit 1J bring built development significantly closer to the rear of 1 Coronation Villas, and its semi-detached neighbour No 2. As a result, Flat 1B has only a short yard at its rear, which the LPA advises is 4m deep. The rear wall of the development is a shipping container which stands the full width of the garden, and lies south of Flat 1B at a height significantly greater than 2m. The sole window to Flat 1B's kitchen/living room faces the blank wall of the development; it is further enclosed by a perimeter wall of a similar height, and another wall along the boundary with the neighbouring property. With the information before me, the development results in an oppressive outlook from Flat 1B and reduces daylight and sunlight into the flat to an unacceptable degree.
27. The presence of a feature of this size and scale, at such close proximity, is also visually intrusive and harmful to outlook from the rear of No 2.
28. In conclusion, the development harms the living conditions of occupiers of Flat 1B and No 2 Coronation Villas. It conflicts with TLP Policy D3 and OPDCLP Policies SP9 and D5, which require developments to deliver appropriate outlook and amenity, and maximise the quality and availability of daylight and direct sunlight within buildings.

Availability of parking spaces and cycle facilities

29. The Land is located within an area with a PTAL² rating of 2, which indicates poor access to public transport. Double yellow lines prohibit parking on the southern side of Coronation Road, and along the entirety of Britannia Way. There is some on-street parking on the opposite side of Coronation Road, and the LPA advise it is generally heavily parked due to unauthorised uses to the west of the application site. I saw several parking contravention notices on vehicles at my site visit, and it appeared to be very difficult to park anywhere at all in the vicinity of the Land.
30. Neither unit made provision for off-street parking, and the LPA advise that any new residential occupier would be precluded from securing a parking permit for the paid parking area. They also consider the development does, or will, exacerbate parking impacts in the vicinity of the site, and contribute negatively to the heavily parked environment on Coronation Road.
31. OPDCLP Policy T4 restricts parking provision to 0.2 spaces per residential unit, which is lower than the TLP Policy T6 maximum provision of 1 space per unit. The residential units on the Land make no provision for any off-street parking, and Units 1H and 1J are the eighth and ninth residential units on the Land. Given the significant shortage of parking spaces in the area, any increase in the number of residential units contributes to the existing parking stress.

² Transport for London Public Transport Accessibility Level

32. The site has good access to local cycle routes, and the limited public transport and lack of car parking make good provision for cycling an important facility for residents. TLP Policy T5 and OPDCLP Policy T3 require secure cycle parking at a rate of two for Unit 1J and one for Unit 1H. It may be that cycle parking provision could be provided in the yard areas of both units. However, I have not seen evidence of secure cycle parking, and the limited size of the yards would reduce their functional capacity as private outdoor space, if also used for cycle parking.
33. In conclusion, the development contributes to parking stress in the vicinity of the site and gives rise to unsustainable modes of travel contrary to TLP Policies T5 and T6 and OPDCLP Policies T3 and T4, which are described above.

Personal circumstances

34. Article 8(1) of the Human Rights Act 1998 provides that everyone has the right to respect for their private and family life, their home and their correspondence. Article 3(1) of the UNCRC³ provides that 'in all actions concerning children... the best interests of the child shall be a primary consideration'.
35. Dismissing the appeal on ground (a), refusing the DPA, and upholding the notice in respect of the cessation of the buildings as dwellings, would interfere with the rights of the occupiers with respect to their private and family lives and homes.
36. Units 1H and 1J are occupied by two families, which includes three children, two of school age, and one younger. The appellant advises they were housed from social housing waiting lists and are otherwise unable to find affordable housing in London. The response to a Planning Contravention Notice (PCN) in October 2022 also states that one family are asylum seekers, and two children attend a local school.
37. However, the buildings provide a poor standard of residential development, and particularly so for children. It is also harmful to the living conditions of the occupiers of Flat 1B and No 2, exacerbates parking stress, and is harmful to the character and appearance of the area. There are no other means short of requiring cessation of the residential uses, and the interference is therefore necessary and proportionate.

Other matters

38. The LPA advises that retention of the additional office space may have policy implications associated with its location within a designated Strategic Industrial Location, but I am unable to take into account information that has not been put before me.

Conclusions on ground (a)/DPA

39. The development as a whole provides a poor standard of residential development, harms the living conditions of occupiers of Flat 1B and No 2, results in parking stress, and is harmful to the character and appearance of the area. Consequently, it conflicts with development plan policies, and together I attach substantial weight to this harm against the development.

³ United Nations Convention on the Rights of the Child

40. In its favour, two families and three children have been accommodated in Units 1H and 1J from the social housing waiting list. It also allows the children of school age to attend local schools. I attach significant weight to the needs of the families in favour of the development.
41. Dismissing the appeal would interfere with the rights of the families to their private and family lives and homes, under Article 8 of the Human Rights Act 1998. However, those are qualified rights, and interference with them in this instance would be in accordance with the law and in pursuance of well-established and legitimate aims: upholding minimum standards of residential accommodation, protecting the living conditions of neighbouring occupiers, not exacerbating parking stress, and respecting the character and appearance of the area.
42. It is proportionate and necessary to refuse to grant planning permission, and the protection of the public interest cannot be achieved by means that are less interfering with their rights.
43. There are therefore no other material considerations that require a decision to be made other than in accordance with the development plan. In relation to the erection of a self-contained dwelling ('the middle building' – Unit 1J) and the material change of use of an office to a self-contained dwelling (the rear building – Unit 1H), the appeal on ground (a) therefore fails, and the DPA is refused.
44. However, the extension to the rear building, shown on Enforcement Notice Plan 2, is a severable part of the development. Its retention as part of a non-residential outbuilding would accord with development plan policies, and no other material considerations require a decision to be made other than in accordance with the development plan.
45. The appeal on ground (a) therefore succeeds in part, and the DPA is allowed in relation to the erection of a single storey front extension to the rear building.

The appeal on ground (g)

46. Appeals on ground (g) are made on the basis that the time for compliance with the requirements of the notice is too short.
47. As corrected, the Notice requires the cessation of the outbuildings as self-contained dwellings, removal of the single storey extension to the rear outbuilding, the middle outbuilding, and all resulting debris within 8 months. The appellant seeks a period of at least 12 months.
48. I note a period of 6-8 months was originally suggested by the appellant in his response to the PCN. 8 months is a generous period of time for tenants occupying the two residential units to seek alternative accommodation, even accounting for the challenges of finding affordable rental housing in London. It would also allow plans to be made for changes in schools before the next academic year for resident children if necessary. Any longer period for the use would be akin to a grant of temporary planning permission.
49. I am not persuaded by the appellant's argument that the tenancy agreements run on fixed 12 month periods without a break clause. The requirements of the Notice will apply to all parties equally, including tenants, irrespective of their tenancy agreements. In any case, the evidence before me suggests those

agreements commenced in April and September respectively, with their fixed periods each falling within the 8 month period.

50. A period of 8 months for cessation of the residential use would therefore be proportionate in the circumstances.
51. The appellant also seeks additional time to carry out the works following the cessation of the use. I have seen no evidence that the works involved would be complex or difficult, although I note it would require the removal of a shipping container. Nevertheless, an additional month following cessation of the residential use would be reasonable, and would facilitate arrangements for the removal of the shipping container. I will therefore vary the time period for compliance for requirements 5(2) - 5(4) to 9 months.
52. The appeal on ground (g) therefore succeeds in part.

Conclusion

53. For the reasons given above I conclude that the appeal should succeed in part only, and I will grant planning permission for the single storey front extension to the rear building in the approximate location shown on Enforcement Notice Plan 2. Otherwise, I will uphold the notice with corrections and refuse to grant planning permission in respect of the other part of the matters. The requirements of the notice will cease to have effect so far as inconsistent with the planning permission which I will grant by virtue of section 180 of the 1990 Act (as amended).

54. Decision

55. It is directed that the enforcement notice is corrected by:
- In Section 2, deletion of the words "(Unit 1H and Unit 1J)" from after the postcode 'NW10 7PL', and their insertion after the words 'Unauthorised Development';
 - in Section 3, insertion of the word "material" before 'change of use'; and
 - in Section 5(1), deletion of the word "buildings" and replacing it with the word "outbuildings".
56. And varied by:
- In Section 6, deletion of the words "You are required to comply with all the above steps within 8 calendar months from the date this notice takes effect";
 - And its replacement with the words:
 - "Step 5(1): 8 months from the date this notice takes effect;
 - Steps 5(2)-5(4): 9 months from the date this notice takes effect."
57. Subject to the corrections and variations, the appeal is allowed insofar as it relates to the erection of a single storey front extension to the rear building, and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended), for the erection of a single storey front extension to the rear building at premises known as 1 Coronation Villas, Coronation Road, Park Royal NW10 7PL.

58. The appeal is dismissed and the enforcement notice is upheld as corrected and varied insofar as it relates to the erection of a self-contained dwelling ('the middle building' – Unit 1J) and the material change of use of an office to a self-contained dwelling (the rear building – Unit 1H) and planning permission is refused in respect of the erection of a self-contained dwelling ('the middle building' – Unit 1J) and the material change of use of an office to a self-contained dwelling (the rear building – Unit 1H) at premises known as 1 Coronation Villas, Coronation Road, Park Royal NW10 7PL on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Peter White

INSPECTOR