

Appeal Decision

Site visit made on 13 March 2024

by Stephen Wilkinson BA BPI DIP LA MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2024

Appeal Ref: APP/A5270/W/23/3328281

65 Twyford Abbey Road, Park Royal, Ealing, NW10 7ET

- 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 Mr Krenar Murataj against the decision of the Council of the London Borough of Ealing.
 - The application Ref:221164FUL, dated 16 March 2022, was refused by notice dated 28 March 2023.
 - The development proposed is change of use of dwelling house to house in multiple occupation.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of a dwelling house to a house in multiple occupation at 65 Twyford Abbey Road, Park Royal, Ealing NW10 7ET in accordance with the terms of the application, Ref 221164FUL, dated 16 March 2022, and the plans submitted with it, subject to the conditions included in the schedule to this decision.

Procedural Matter

2. There is reference in the appeal papers that the application is retrospective. However, the site visit revealed discrepancies between the plans included with this appeal and the existing layout of the building. These include the omission of a kitchen on the first floor which is in use as a bedroom with ensuite bathroom.
3. Subsequent correspondence between the appellant identified that they regarded the scheme as partially retrospective and that the proposed scheme is included in plan number 22.03.02 Rev B, B1, B2 which supercedes plan number 22.03.02 Rev A. As both these plans were included in the agreed list of plans included in the Council's decision letter, despite their apparent contradiction, I consulted the Council but did not receive a reply.
4. For the avoidance of doubt, I have determined this appeal decision on the plans before me which includes 22.03.02 Rev B, B1, B2 but not plan number 22.03.02 Rev A.

Main Issues

5. The effect of the proposal on living conditions of future occupiers with regard to the provision of communal areas within the property.

Reasons

6. The appeal site comprises a two storey semi-detached property with rooms in the roofspace served by extensions. The ground floor has been extended to the rear and side.
7. Policy D6 of the London Plan (2021) requires that housing should include adequately sized rooms which are also fit for purpose. Policy 7B of the Ealing Development Management Development Plan document (2013) DMDP requires that new development should be to a high standard supporting the living conditions of occupants. The Mayors Supplementary Planning Guidance (2016) includes specific standards to support the delivery of each of these policies.
8. The proposed layout includes 2 x 2person rooms and 1x1 person room on the ground floor with a shared kitchen of 11.1smetres with the first floor including 1x1 and a 1x2 person room with shared kitchen of 12.12smetres and on the second floor a 2 person bedroom.
9. The Council's objection to the proposed layout concerns the lack of dedicated internal amenity space within the building such as living rooms or open plan kitchens within dining areas. However, the requirement for the inclusion of such spaces as part of the internal layout is not supported by the policies of the Development Plan or the Mayoral guidance.
10. The proposed individual rooms meet the specific floor areas required by both policy and guidance. Whilst the inclusion of living rooms or living/kitchen rooms may be desirable, the absence of policies requiring their inclusion in the appeal scheme undermines the Council's case.
11. For these reasons, I conclude that the appeal scheme does not conflict with Policies D6 of the London Plan, Policy 7B of the DMDP and Mayoral Housing SPG.
12. Accordingly, the appeal is allowed and planning permission is granted.

Conditions

13. Given that the scheme has not been completed in accordance with the submitted scheme I have not treated it as retrospective as the appellant suggests. In these circumstances the application of several conditions is therefore appropriate.
14. For reasons of certainty, I have included a condition specifying the plans on which this decision is based. I have included conditions regarding the provision of both refuse storage and cycle parking. These are required to ensure that the site can be accessed by a choice of transport mode and that adequate refuse storage is accommodated within the appeal site in order to limit adverse impacts on neighbouring occupiers. I have also included a condition restricting the number of occupants of the appeal scheme in order to protect the living conditions of occupiers of neighbouring properties.

15. Finally, although various works involving the creation of separate and self contained rooms throughout the property have been largely completed the nature of the proposed living conditions requires completion of noise insulation throughout. This could be delivered through a phased programme over two years.

Stephen Wilkinson,

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall be completed in accordance with the following drawings Site Location Plan; Proposed Site Plan Rev A; 22.03.A.02 Rev B, B1 B2 dated 11/05/22 (Proposed Floor Plans); 22.03.A.03 Existing and Proposed Elevations; 22.03.A.04 Existing and Proposed Elevations;
- 2) The development shall not be fully occupied until cycle parking for ten bicycles have been provided within the curtilage of the application site. Such facilities to be retained permanently thereafter.
- 3) Prior to complete occupancy refuse and recycling storage with an enclosure should be provided within the front garden of the property as required by the standards of the Council. The storage facilities shall be retained permanently thereafter.
- 4) The development hereby permitted shall be occupied by a maximum of ten persons.
- 5) Details of sound insulation shall be submitted to and approved by the Local Planning Authority. The works shall be completed to enhanced standard of at least 5Db above the value recommended by the Building Regulations.

The assessment and mitigation measures shall be based on standards and noise limits of the Council's SPG 10 and BS8233: 2014.

These works shall be delivered in a phased programme and completed within two years from the date of this permission.