

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: 05 April 2024

Appeal Ref: APP/A5270/W/23/3325995

85 Gunnersbury Avenue, Ealing, W5 4LR

- 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 M Anant Malik against the decision of the Council of the London Borough of Ealing.
 - The application Ref 231642FUL, dated 26 April 2023, was refused by notice dated 4 July 2023.
 - The development proposed is demolition of the existing building and erection of a new 2 storey building with habitable loft space and basement level to accommodate 8 self contained flats and provision of associated amenity space, cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have included in the banner heading a description of development which differs slightly from that used in the application form for reasons of brevity.
3. The appellant submitted with the appeal revised cross section and floor plans of the proposed second floor of the appeal scheme (drawing numbers 16B and 28B) which are designed to increase the amount of floorspace with a floor to ceiling height of 2.5metres. These had not been seen by the Council at the time of their submission. For the avoidance of doubt, I have considered only in this decision only those plans on which the Council made its decision.
4. Each of the Council's reasons for refusal included in its decision letter include references to London Plan policies D3 and D4. Each of these is relevant to the first issue regarding site optimisation and design but not to the second issue which relates to living conditions. The Council's second reason for refusal includes reference to Development Management Development Plan (DMDP) policy 7D which refers to contributions to open space. This is not relevant to the second issue. Accordingly, my determination of the second issue is made with reference to just policies LP D6 and DMDP 3.5.

Main Issues

5. The appeal raises the following main issues:
 - The effect of the appeal scheme on the character and appearance of the surrounding area, and
 - The effects of the proposals on the living conditions of future occupiers.

Reasons

Character and appearance

6. Gunnersby Avenue comprises large detached residential properties and blocks of flats dating from the interwar period which are set well within their flank boundaries. Those properties along the east side of the Avenue opposite the appeal site are broadly uniform in character whilst those on the west side and neighbouring the appeal site have been altered through roof and side extensions. Features characteristic of dwellings in the area include hipped roofs, projecting bays, the use of brick and tile roofs with render to front bays and rear elevations.
7. The appeal scheme would involve the redevelopment of the site with a new detached building comprising 8 self contained flats on basement, ground and first floors with a second floor in the roof space. The proposed building would be set by around 1metre within its flank boundaries and have a ridge height the same as the neighbouring properties. The proposed ground floor extends to a depth no greater than that of the neighbouring properties with a rear addition at both the first and second floor level extending as a central feature beyond the rear building line of both the neighbouring properties. Projecting bays located either side of the front entrance door are completed with gables which are subservient in height to the main ridge line.
8. The proposed roof design, required to accommodate 2 flats, includes half hipped gables and to the front a sloping roof plane broken by two projecting gables. These features are sufficient to distinguish the roof design from that of a 'mansard' style roof as the Council suggests. The rear elevation comprising a dominant central addition topped with a crown roof with a gable facing Gunnersby Drive can be accommodated within the site.
9. I acknowledge that whilst these features may lead to the prominence of the building in the street scene to both Gunnersby Avenue and Gunnersby Drive they do not mark such a contrast which would lead to its dominance which would adversely impact on the character and appearance of the area.
10. Whilst a common thread included in the National Planning Policy Framework (the Framework), strategic policies of the London Plan and local policies of the Council's DMD¹ require that new development should be of the highest quality designed to complement the surrounding building pattern, scale, street sequence and detailing there are policies which require that development optimises the potential of sites.
11. Although the surrounding area exhibits a common palette of materials and design features the recently granted permission on the corner of Gunnersby Avenue and Gunnersbury Drive cited in the appellant's evidence reflect a design response challenging the prevailing context. Whilst the appeal scheme also reflects a challenge to the character of the surrounding area the parameters of its design which include sloping roofs, gables and projecting bays broadly comply with this character.
12. For these reasons the appeal scheme does not adversely impact on the character and appearance of the surrounding area and does not conflict with

¹ Development Management Development Plan 2013

Policies D3 and D4 of the London Plan and Policy 7.4 of the Ealing DMDP and those policies of the Framework which promote good design.

Living Conditions

13. Policies LP D6 and DMDP 3.5 require the highest space standards for residential accommodation.
14. The proposed scheme is broadly orientated on a north-east/south west axis. The floor areas of flats 1-4 are split between the basement and ground floors with kitchens and bathrooms within each flat located towards the centre of each floor.
15. The basement rooms would each have full floor to ceiling height windows extending virtually across their external walls and would be served by lightwells to both the front and rear. Each front lightwell would be 1.5m deep with a hedge of around 1.6m above this. Those to the rear would have a similar depth although their length would effectively be extended by terraces up to garden level.
16. The appellant's evidence identifies that daylight defined by nationally accepted standards² would be achieved for the habitable rooms of flats 1-4. However, the sunlight assessment for flats 1 and 2 is incomplete omitting the four bedrooms which would be served by the front lightwells. This is critical given the depth of each bedroom.
17. The depth and width of the front lightwells are limited in size. Although the appellant identifies that a previous permission (232331HH) includes slightly smaller front light wells these served rooms which were not principal habitable rooms. In this respect the difference between the two schemes is material. I find that the limited size of the proposed front light wells would adversely impact on the amount of sunlight necessary for habitable rooms.
18. Furthermore, given the dimensions of each lightwell the outlook from each front bedroom would be restricted leading to an unacceptable sense of enclosure. This matter would not be addressed through painting.
19. London Plan standards included in policy D6 require that at least 75% of the floor areas of flats have a floor to ceiling height of 2.5metres. However, around 54% and 64% of Flats 7 and 8 respectively do not comply with this standard. These discrepancies would undermine the living conditions for future occupiers.
20. I conclude that the internal layout of the proposed scheme would conflict with Policy LP D6 and DMDP 3.5 which aim to protect the living conditions of future occupiers. Whilst each flat may be dual aspect this does not overcome the short comings of the proposed layout.

Conclusions

21. The proposed scheme has been designed to optimise the development potential of the site in a way which would not adversely impact on the character and appearance of the area. However, whilst I find no conflict with the policies in

² BRE report – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice 3rd Edition 2022

this regard, the determining issue in this appeal is the quality of accommodation for future occupiers.

22. The opportunity afforded by the site's redevelopment has not been translated into achieving a design which would maximise the scheme's internal layout as required by adopted policies. These shortcomings when taken together would undermine the living conditions of future occupiers in conflict with Policies LP D6 and DMDP 3.5.

23. For the above reasons, the appeal is dismissed.

Stephen Wilkinson

INSPECTOR