



Appeal Decision

Site visit made on 28 May 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/A5270/W/23/3333571

1 Old Oak Road, Acton, Ealing W3 7HN

- 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 Professor Andrew Stahl against the decision of the Council of the London Borough of Ealing.
 - The application Ref 232796FUL, dated 3 July 2023, was refused by notice dated 1 September 2023.
 - The development proposed is conversion of existing outbuilding to a single storey studio flat, outside amenity space from the large garden of the existing house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interest of brevity and clarity I have used the description of development given on the appeal form in the banner heading above.
3. The appellant has referred to a revised floor plan attached to the Grounds of Appeal. As this is a Householder Appeal I am required to assess the proposal against the information submitted with the planning application. Taking into account the revised plan would be contrary to natural justice as the Council, and third parties, would not be afforded an opportunity to comment.

Main Issue

4. The main issue is whether the proposal would provide acceptable living conditions for future occupiers with particular regard to outlook, ventilation, privacy and safety.

Reasons

5. The appeal property is a handsome 2-storey end-of-terrace house with a long back garden, about half of which is occupied by an outbuilding. The outbuilding comprises a 2-storey element next to the rear boundary of the site attached to which is a more substantial single-storey warehouse style element. The latter is used by the occupier of the appeal property as a studio and the former is used for storage. With the exception of a glazed door facing the garden, the outbuilding is windowless at ground floor level, natural light being provided via rooflights. There is a small entrance to the building from Broad Passage, the service road bounding one side of the garden.

6. The proposal would comprise the conversion of the outbuilding into a 2-bedroom dwelling together with the installation of 4 windows in the elevation facing Broad Passage. Part of the host property's garden would be allocated as private amenity space for the new dwelling and access would be provided from Broad Passage via a new opening in the garden wall. All living accommodation would be on the ground floor with the upper part used for storage.
7. The bedroom windows would be directly next to Broad Passage with no defensible space between them and the road. Whilst I note that Broad Passage may not be heavily used at present, this may not remain the case in future. Even if Broad Passage remains lightly used, due to the close relationship between the bedrooms and the road future occupiers of the proposed dwelling would be likely to feel a lack of privacy in their bedrooms, which would not be overcome by the installation of mirror, one-way privacy film. For these reasons the proposal would fail to provide acceptable levels of privacy for future occupiers.
8. The plans indicate that the main living area would be in the space currently used as a studio and the kitchen would be within the older part at the rear. Although the living area would benefit from natural light via the rooflights the kitchen would lack direct natural light and neither space would have meaningful outlook. The windows serving the bedrooms would look out towards a substantial building a short distance away. For these reasons the proposal would create an oppressive internal environment and would not provide adequate outlook for future occupiers.
9. Although I note that the rooflights would provide some level of ventilation within the main living area, the absence of windows serving the kitchen and living area and the security need to keep the bedroom windows closed would result in poor levels of natural cross ventilation.
10. Broad Passage is essentially a service road and is not therefore a hospitable or welcoming environment for housing. The absence of a pavement is also less than ideal. However, given Broad Passage experiences low levels of vehicular traffic and external lighting could be provided, I am satisfied that access to the appeal site would not result in unacceptable safety or security risks to future residents.
11. For the reasons set out above I conclude that, due to its layout, the appeal proposal would provide unacceptable living conditions for future occupiers in respect of outlook, privacy and ventilation. It therefore fails to accord with Policy 7B of the Ealing Development Management Development Plan Document (2013), which requires new development to achieve a high standard of amenity for users, and London Plan (2021) Policies D3, D4, D6 and D11 which, amongst other matters, require appropriate outlook, privacy and amenity and dual aspect dwellings.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR