

Appeal Decision

Site visit made on 3 July 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2024

Appeal Ref: APP/A5270/W/24/3338668

77 Costons Avenue, Ealing, Greenford, London UB6 8RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr JS Bhondi against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 233344FUL.
 - The development proposed is described as the 'conversion of the existing property into 4 self-contained flats including part single storey and part two storey side and rear extension, rear dormer extension with gable end roof extension with juliette balcony and front rooflights, front porch and associated alterations to front and rear gardens including bins and cycle stores'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal scheme proposes a roof, side and rear extension. Planning permission has previously been granted for comparable additions (LPA reference: 220590HH) (the existing permission). The proposed extensions are similar in size and scale to those in the existing permission and include minor variations to the fenestration. The Council has not objected to these changes.
3. The appellant makes comparisons between the proposal and an alternative three flat scheme discussed with the Council. There is no evidence of an extant permission for a three flat scheme and therefore in the interest of certainty, this appeal is assessed on the description of development and the plans before me, which show the proposed change of use from a single dwelling to four flats with various extensions.

Main Issues

4. The main issues relevant to this appeal are:
 - the suitability of the site as a location for the proposed residential development, with particular reference to the spatial strategy in the development plan;
 - the effect of the proposed development on the character and appearance of the area; and

- the effect of the proposed development on the living conditions of future occupants, with particular reference to internal layout and garden space.

Reasons

Location

5. The appeal site contains a semi-detached property in Greenford approximately 1.12km from South Greenford Train station. The parties agree that the site is located within a Public Transport Accessibility Level (PTAL) 2 zone, therefore I have determined the appeal on this basis.
6. The supporting text in policy H2 of the London Plan advises that 'incremental intensification of existing residential areas within PTALs 3-6 or within 800m distance of a station or town centre boundary are expected to play an important role in contributing towards housing targets'. Given that the site is not located within an area supported by policy owing to the low PTAL rating and it not being within 800m of a station or town centre boundary, the site can be classified as having poor connectivity.
7. The proposed four residential units in an area of poor public transport accessibility would not be proportionate to the site's connectivity. As a result, future occupiers would be likely to be car reliant. Given the number of homes proposed and the fact that each occupant could use a car, this would likely increase emissions arising from the development. The development would not achieve the aim of providing accommodation that is well connected to services, infrastructure and amenities by public transport, as required by Policy GG2 of the London Plan. This outweighs the benefits arising from the increased supply of housing.
8. For the reasons identified above, I conclude that the site would not be suitable for the proposed residential development, with particular reference to the spatial strategy in the development plan. The development is therefore contrary to London Plan Policies GG1, GG2, D3 and H2 insofar as they seek for development to be well connected and accessible to services and amenities. The proposed development would also be contrary to Policy 7A of the Ealing Development Management DPD (2013), in so far as it seeks to manage emissions arising from proposed development.

Character and appearance

9. Costons Avenue is a residential road characterised by semi-detached inter war properties. Many of the properties have off street parking, with one or two vehicles parked on the driveway. Along the road, properties appear to either be single family dwellings or dwellings converted into flats. The predominately family housing provides for a tranquil, suburban character.
10. Whilst the character and appearance resulting from the extensions would not differ from the existing permission, given that the occupants of each flat would have their own routine, as well as visitors and deliveries, the proposed change of use would have a distinctly different nature and character compared to other dwellings in this road. The intensity of use and the increased movements to and from the site would lead to an unacceptable increase in noise and disturbance to nearby residents.

11. The parties refer to buildings in the road converted into two flats, those I observed, had a different character to the single-family dwellings in the road, with multiple bins/ recycling facilities on the driveway and numerous vehicles. Given that the appeal scheme is proposing additional homes and occupants would likely be car reliant, the resultant negative change in character and appearance would be more perceptible in the street scene, especially as off-street parking is limited.
12. Drawing PL-107 details an area allocated for five bins. This drawing highlights that the front garden area would be constrained by the proposed porch, landscaping, parking and bike store. As a result, there is inadequate room for the eight 240-litre bins required within an allocated storage area. Whilst it is accepted that Flat 1 could store bins in the rear garden and this would reduce the number at the front of the site, there remains insufficient room for formalised storage of the six remaining refuse and recycling bins. Without appropriate storage, the presence of six 240 litre bins within the front garden would negatively affect the character and appearance of the street scene.
13. For the reasons identified above, I conclude that the proposed development would have an adverse effect on the character and appearance of the area. The proposed development is therefore contrary to London Plan Policy D6 that requires development to have adequate and accessible storage space to facilitate waste and recycling collection and Policy 7.4 of the Ealing Development Management DPD 2013. This policy refers to development complementing local character.

Living conditions

14. The appellant considers Flat 3 to be a one bed, one person studio flat. However, Flat 3 has an identical layout to Flat 1, which the appellant has assessed as a one bedroom two person flat. The layout of the flat would be attractive to a couple as it would allow for different occupiers to undertake different activities in different rooms simultaneously. As a result, Flat 3 is more akin to a one-bedroom flat than a studio.
15. Whilst the bedroom size would be below the required 11.5m detailed in the 'Technical housing standards-nationally described space standard', this would not prevent it being marketed and used as a one-bedroom flat. The appellant considers that there is no guidance on the layout of a studio flat, but it is commonly understood that a studio has a living room, bedroom and kitchen all incorporated into one space. Whilst Flat 3 complies with the Nationally Described Space Standards for a studio flat, it does not meet the minimum standards for a one bedroom two person flat.
16. Even if, Flat 3 is to be considered as a studio flat, Flats 3 and 4, fail to provide dedicated amenity space in accordance with Policy 7D of the Ealing Development Management Development Plan 2013. As the supporting text to Policy 7D specifies, this space must be fit for purpose, genuinely private, screened from roads and not permanently overshadowed. The appellant refers to the fact that the scheme originally proposed a communal amenity area, however, this provision, and access to parks would not provide dedicated amenity space as required by Policy 7D.

17. Reference is made to two similar projects in comparable suburban locations where there was no amenity space on the upper flats. I do not know the planning circumstances nor precise locations of the examples given and, in any event, each scheme must be considered and determined on its individual merits.
18. For the reasons identified above, I conclude that the proposed development would have an unacceptable effect on the living conditions of the future occupants, with particular reference to internal layout and private amenity space. The proposed development is therefore contrary to the London Plan Housing Design Standards (2023), Policy 7D of the Ealing Development Management DPD (2013), Technical housing standards- nationally described space standards, Ealing Council Waste Management guidelines for architects and developers document and the Framework insofar as they seek to provide adequate acceptable living conditions for occupiers.

Other Matters

19. The appellant has submitted a viability statement which considers the sales figures and indicative construction costs when comparing the appeal proposal to a three flat scheme. Given that there is no extant alternative scheme for three flats, this statement does not have a bearing on my decision.

Planning Balance and Conclusion

20. Given the harm that would arise to the character and appearance of the area, the living conditions for existing and future occupants and the inappropriateness of the location, the scheme would conflict with the development plan when read as a whole.
21. In its favour, the proposal would result in additional housing provision. However, this benefit would be limited and should not come at the expense of the suitability of the site for conversion, character and appearance of the area and the living conditions of future occupiers.
22. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

V Goldberg

INSPECTOR