



Appeal Decision

Site visit made on 19 August 2024

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2024

Appeal Ref: APP/A5270/W/24/3339503

Flat 2, 15 Madeley Road, Ealing W5 2LA

- 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 Harinder Ryatt against the decision of the Council of the London Borough of Ealing.
 - The application reference is 232933FUL.
 - The development proposed is the use of flat as short term let accommodation in excess of 90-days per calendar year for a 2-year temporary period.
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Decision

1. The appeal is allowed, and planning permission is granted for the use of flat as short term let accommodation in excess of 90-days per calendar year for a 2-year temporary period at Flat 2, 15 Madeley Road, Ealing W5 2LA in accordance with the terms of the application, reference 232933FUL, subject to the conditions set out in the schedule to this decision.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to potential noise and general disturbance, privacy and safety.

Reasons

3. The appeal property is a ground floor flat within a detached building that contains a total of 5 self-contained flats within an area of mixed character. The proposal is a temporary change of use of the appeal flat from residential to a guest house, thereby allowing the accommodation to be used on a short term let basis over a 2-year time period.
4. The Council asserts that the proposed use would adversely affect the living conditions of the residents of neighbouring properties through significant additional comings and goings to the property and by creating noise and general disturbance. It is also concerned that safety problems and a loss of privacy would result if the appeal scheme were to proceed. However, few specific details have been provided to substantiate these opinions.
5. The plans show that the existing flat has 2 bedrooms, which could reasonably accommodate up to 3 adults. With the internal layout reconfigured to provide a single bedroom, the accommodation, as proposed, would be suited to occupancy by 2 adults or possibly a small family. On that basis, the proposal is unlikely to result in more adults occupying the accommodation than at present.

6. From what I saw, No 15 faces a busy road and it is close to a railway line. As a result, there is already an existing level of activity and associated background noise from passing traffic and trains in the local area.
7. Given the short-term nature of the proposed accommodation, it is possible that the number of movements to and from the property might increase compared to a dwelling. As the appeal flat shares the front entrance with the rest of the building and the rear garden with the occupiers of the other ground floor flat, residents within the same building might become aware of people arriving and leaving the building and using the rear outdoor space. However, I am not convinced that the noise and disturbance experienced by residents from such activities would be significantly greater if the appeal scheme were to proceed.
8. All prospective occupiers would be vetted in the first instance by the appellant. A Management Plan could also be put in place and secured by a planning condition to ensure that all future occupiers are made aware of the need to keep noise levels to a minimum. Given these factors, I see no reason to conclude that the comings and goings to and from the appeal flat would necessarily be noisy or disturb other residents. For the same reasons, the use of the back garden would not necessarily cause an undue loss of privacy through overlooking than if the flat were to remain in permanent residential use. Similarly, I am not convinced that future occupiers would diminish any actual or perceived levels of security or safety felt by others. The Officer's report records that there are no objections from nearby residents nor has any concern by interested parties been brought to my attention.
9. On the main issue, I therefore conclude that the proposal would not cause significant harm to the living conditions of the occupiers of neighbouring properties. As such, there is no conflict with Policies D3 and D6 of The London Plan or Policy 7B of the Ealing Development Management Development Plan Document insofar as they aim to safeguard residential amenity. Although SPD 4 is cited in the Council's reason for refusal, this document deals with residential extensions. As such, it is not directly relevant to the proposal.

Conditions

10. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. For the avoidance of doubt, conditions are imposed to specify the time period of the planning permission and the maximum number of occupiers to reflect the development sought and my assessment of it. To ensure the satisfactory appearance of the proposed development, a condition is attached to require the approval of the arrangements for the storage of cycles, refuse and recycling.
11. The Council has suggested an additional condition to provide sound insulation within the building envelope. However, few details have been provided to justify this requirement. Given my findings on the main issue, and the lack of detail to support this requirement, I find that there is insufficient information before me to conclude that the condition is necessary to make the development acceptable. On that basis, it does not meet at least one of the tests of conditions set out in the National Planning Policy Framework and so the condition has not been imposed. Where appropriate, I have amended the other conditions suggested by the Council mainly for clarity and precision.

Conclusion

12. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I therefore conclude that the appeal should be allowed.

Gary Deane

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 482-EXT-01, 482-PROP-02, 482-PROP-03 and the Site and Location Plan, which shows the site edged red.
- 3) The use hereby permitted shall be for a limited period of 24 months from the date of this decision. The use hereby permitted shall be discontinued on or before the expiry of this 24-month time-period.
- 4) The maximum occupancy of the property the subject of this planning permission shall be 3 adults or 2 adults with 2 children.
- 5) Prior to first occupation of the development hereby permitted, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall thereafter be operated fully in accordance with the approved Management Plan.
- 6) Prior to first occupation of the development hereby permitted storage for cycles, refuse and recycling shall be provided in accordance with a scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The approved cycle, refuse and recycling facilities shall be permanently retained thereafter.