

Appeal Decision

Site visit made on 10 September 2024

by U P Han BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/A5270/W/24/3342092

7 Groveside Close, London W3 0DX

- 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 R.S. Anand against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234984FUL.
 - The development proposed is subdivision of existing house to create one new dwelling house with associated car parking space, bicycle parking space, refuse bin and recycling facilities and private rear garden space; installation of three dormer roof extension window; installation of four roof lights to front roof slope; conversion of garage into habitable room involving replacing garage door with front porch; installation of fence; alterations to rear ground floor fenestrations.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers with regard to internal living space.

Reasons

Character and Appearance

3. The appeal relates to a two-storey detached dwelling which benefits from a first floor extension over an existing garage and a single storey rear extension. The site is located in a quiet cul-de-sac comprising largely of two storey detached houses with a side garage. To the rear of the appeal site is an industrial premises forming part of a large industrial area. The surrounding area is otherwise predominantly residential.
4. The dwellings in the small cul-de-sac are fairly uniform in appearance due to their consistent building design, limited alterations and focussed materials palette. The proposal seeks to remove the existing garage door and replace it with a front door and window. The addition of a second front door to the

front elevation of the building and its forward position in relation to the existing front door would disrupt the visual rhythm and pattern of the street scene and be harmfully conspicuous amongst the uniformity of the other dwellings in the street.

5. While the design of entrance doors may vary widely in the surrounding area, there is a high degree of consistency in the design of front doors within the cul-de-sac. Moreover, none of the properties in the cul-de sac have two front doors on the building.
6. Contrary to the appellant's statement, I found no trees obscuring views of the front of the property. Furthermore, as the appeal property faces directly opposite the entrance of the cul-de-sac, where the eye is drawn, it is highly visible.
7. The proposal includes three rear facing box dormer windows set up from the edge of the eaves and close to the ridge of the existing roof. Due to their number, height and mass, the proposed dormers would occupy a large proportion of the roof, thus creating a dominant top-heavy appearance. They would also add visual clutter and detract from the simple and uniform lines of the existing roof.
8. While I acknowledge there is a variety of rear facing dormers in the surrounding area, the proposal for three dormers would appear visually excessive and incongruent with other dwellings in the area which largely contain one or two dormers. Despite the proposed use of matching materials, the proposal would be anomalous within the context of the surrounding area.
9. For the reasons above, I conclude that the proposed development would harm the character and appearance of the site and surrounding area. Hence, it would conflict with Policies D3 and D4 of the London Plan (March 2021) (the LP) and Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (December 2013) (EDMDPD). Together, these policies, amongst other things, require development to achieve high quality design, have regard to existing building forms and proportions and complement the existing street sequence and building pattern. The Council has referred to Policy D6 of the LP. However, this policy relates to housing quality standards so is not determinative on this main issue.
10. The proposal would conflict with Policy DAA of Ealing's Local Plan – Initial Proposals (Regulation 18) (2022) (Draft LP) which requires development to achieve high quality design and have a positive visual impact. The Draft LP is an emerging plan and as such, having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I accord it limited weight.

Living Conditions

11. The appeal proposal would provide a one bedroom two-person self-contained dwelling over three floors and a seven bedroom nine-person self-contained dwelling over three floors. I have referred to the larger unit as No 7 and the smaller unit as No 7A in this decision letter.

12. Policy D6 of the LP requires housing development to be of a high quality design and provide adequate internal space with functional layouts. The accompanying Table 3.1 to Policy D6 does not provide a minimum internal space standard for a three storey two bedroom three-person dwelling or a three storey seven bedroom nine-person dwelling.
13. The study room of No 7A could be used as a bedroom and would likely be marketed as a bedroom/ study. Measuring 8 sq m., it is comparable with the size of the single bedrooms proposed in No 7 and meets the minimum width required in Policy D6 for a single bedroom. On this basis, I consider it reasonable to apply the minimum internal space standard for a two bedroom three-person dwelling. At 66 sq m., the proposal would fall short of the minimum 70 sq m for a two bedroom three-person dwelling. In addition, the loft floor bedroom of No 7A would not meet the minimum width required by Policy D6 for a double room.
14. The proposal would result in the creation of a long and narrow property in No 7A. The living room on the ground floor would be served by one small window on the front elevation. Given its considerable depth, the living room would not receive adequate light and outlook. Furthermore, around two thirds of the first floor of No 7A would comprise stairs and landing which would result in an inefficient layout.
15. For the reasons above, I conclude that the proposed development would not provide acceptable living conditions for future occupiers with regard to internal living space. I judge the magnitude of this harm to be significant in this context. Accordingly, it would conflict with Policy D6 of the LP and Policy 3.5 of the EDMDDPD. Together, these policies, amongst other matters, require housing development to be of high quality design, meet minimum space standards and provide comfortable and functional layouts. The appeal scheme would also not comply with the London Plan Guidance, Housing Design Standards (June 2023) (HDS) in relation to housing design.
16. The proposal would conflict with Policy DAA of the Draft LP which requires development to ensure good levels of daylight and sunlight. The Draft LP is an emerging plan and as such, having regard to paragraph 48 of the Framework, I accord it limited weight.

Other Matters

17. The Council's reasons for refusal refer to an excessive number of bedrooms in No 7 to the detriment of the living conditions of future occupants. However, I have no substantive evidence before me as to why a large number of bedrooms, in themselves, would harm the living conditions of future occupiers of No 7. Furthermore, all the proposed bedrooms of No 7 would meet the minimum widths required by Policy D6 of the LP and the plans show a spacious living/ dining/ kitchen area and storage areas.

Planning Balance and Conclusion

18. Compliance with the development plan with regard to residential density and outdoor amenity space will weigh neither in favour or against the proposal and is therefore considered neutral.

19. The proposal would contribute to the overall housing supply which is a clear public benefit. It would provide an additional small house, as well as retain a large family-sized house thus contributing to the housing mix of the area. The efficient use of suitable small sites for residential windfall development is acceptable in principle. The appeal site is in a location accessible by public transport. These are all positive benefits, however, given the small scale of the development, the weight afforded to these benefits is limited.
20. The proposal would cause undue harm to the character and appearance of the site and surrounding area, and significantly harm the living conditions of future occupiers by virtue of the poor quality of the internal living space. This leads me to an overall conclusion that the appeal scheme would not accord with the development plan, and I find that the adverse impacts of the proposal are matters of significant weight against the grant of planning permission that outweigh the benefits identified.
21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

U P Han

INSPECTOR