



Appeal Decision

Site visit made on 15 October 2024

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/A5270/W/24/3337485

The Plough Public House, 89 North Road, Southall, Ealing UB1 2JN

- 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 Multani against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 233644FUL.
The development proposed is demolition of the existing building and to erect a two storey with a partial basement mixed use new-build.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description in the banner heading above is taken from the application form. However, the decision notice and appeal form describe it as 'construction of a two-storey building with part basement extension to accommodate retail/commercial space and seven self-contained residential units; installation of solar panels; and provision of associated amenity spaces, cycle and refuse storage (following demolition of the existing building)'. This is the basis on which I have determined the appeal.
3. There is no drawing of the proposed western elevation. Additionally, the parties agree that the solar panels shown on the elevation drawings do not match with those on the roof plan. These anomalies have not, however, affected my determination of the appeal.
4. The appellant refers to a revised scheme and amended plans were submitted with the appeal. These were not used by the Council to determine the application. I have considered the revised plans, and applying the principles established by 'Holborn'¹, I consider that whilst they do not fundamentally change the proposal, if I accepted these, it would prejudice the interests of third parties and consultees, who have not been consulted on these plans. Consequently, I have proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

- the effect of the demolition of an existing community facility;
- whether the proposal would provide acceptable living conditions for future occupants, with regard to space standards, daylight, outdoor space;
- the effect of the proposal on the living conditions of the occupiers of No 1 Shackleton Road with particular reference to privacy, outlook and sunlight;
- whether the proposal would satisfy the housing needs for the area; and
- whether the proposal would affect highway safety.

Reasons

Character and appearance

6. The Plough public house is located on a corner plot at the junction of North Road and Shackleton Road. It overlooks a large triangular green on which several mature trees are growing. The area is mainly residential, although there are clusters of shops close by along North Road.
7. The site consists of a rectangular plot of land containing a parking area on one side of the building, and a beer garden surrounded by high wooden fencing on the other. Next to the beer garden, with access from Meadow Road, is a car park which is used by a local school.
8. The Plough is an attractive building with distinctive features including tall chimneys, 1st floor gable projections with hanging tiles, and square bay windows with leaded glazing. These, combined with overhanging eaves, ceramic tiles on the lower parts of the building, with brick and render above, provide an interesting and characterful building which contributes positively to the visual character of the area. Its location on the corner, overlooking the green, acts as a focal point for the surrounding area.
9. Whilst it is not a listed building or within a designated conservation area, The Plough is of a similar scale to other buildings along Shackleton Road and North Road. Furthermore, the roof form reflects the gable projections with bay windows that exist along Shackleton Road. The existing building therefore sits comfortably within its site and surroundings.
10. In its place, following demolition, the proposed building would be linear in form with a flat roof, and whilst aiming for a contemporary design, it would be at odds with other buildings around it. Whilst the proposal intends to use materials as found along the nearby High Street, including two types of coloured brick and anthracite grey windows, as well as galvanised railings, the proposed design makes no reference to the original building.
11. The proposed building would infill almost the full depth of the site. It's extensive elevation, stretching along North Road would appear somewhat monolithic. This combined with the irregular window arrangements on the 1st and ground floors, and the visible solar panels on the roof, would result in a development that does not respond to, or reflect, the scale, materials and detailing of the surrounding built environment. The proposed green walls, with no details as to how they would be constructed or maintained, would be somewhat incongruous in this location. Consequently, the proposal would not

integrate with the buildings around it and not strengthen the visual character of the area.

12. Therefore, I conclude that the proposal would result in significant harm to the character and appearance of the area. As such, it would not accord with Policy D4 of the London Plan, 2021 (LP) and Policy 7.4 of the Ealing Development Management DPD, 2013 (DPD). Together these policies require high quality design and development that complements the building and street pattern, scale, materials, and detailing found on existing buildings in the area.

Loss of community facility

13. LP Policy HC7 states that applications that propose the loss of public houses with heritage, cultural, economic or social value should be refused unless there is authoritative marketing evidence that demonstrates that there is no realistic prospect of the building being used as a pub in the foreseeable future. Additionally, paragraph 97 of the National Planning Policy Framework (the Framework) advises that planning decisions should guard against the unnecessary loss of valued facilities and services.
14. The building has no formal designation, although heritage and cultural values have been expressed in submitted comments and consultations. Notwithstanding this, The Plough is the most notable building in the immediate area because of its appearance and location.
15. Whilst the appellant refers to it not being economically viable to renovate the property, from what I observed, the building appeared in good condition, with the traditional windows well painted. Although the submitted evidence states that the building is no longer used for its original purpose, I saw when I visited the site that there were notices on the windows that it was being used to sell Indian cuisine to eat in or take away.
16. The appellant refers to the site not being suitable to be listed as an Asset of Community Value² as there is another pub 0.2 miles away. However, there are no details of this other pub, what it has to offer, or whether it is comparable and affects the viability of The Plough. Moreover, there is no evidence of a marketing report detailing why the current premises cannot continue to be used as a public house.
17. Whilst the proposal includes a bar on the ground floor and a function space and pub garden, as well as a kitchen and pub toilets, there is no substantiated evidence as to whether this would provide a similar experience to the existing Plough, or whether it would instead be a bookable space that is let out for events and functions. The proposed space, considered to be suitable for at least 40 persons, would not be smaller than the existing pub. However, as a new building, it would not have all the fittings and features that exist in the current building and that provide the inherent charm of a traditional public house. Whilst maintaining a public house on the ground floor would retain the links within the site, I am not persuaded that replacing it by a multi-purpose building would provide the facilities that previously existed.
18. Although a national convenience retailer is proposed for the retail premises, there is no evidence of an agreement and the likelihood of that being implemented. Furthermore, I saw that there are numerous retail and

² The Assets of Community Value (England) Regulations 2012

commercial premises along North Road and limited evidence as to whether another retail premises is required in this area.

19. I conclude that the building has historic links as a public house within the local area. However, without a marketing report there is no evidence that the current building has no future use, either as a public house or for some other form of community facility in the local area. Consequently, there is no substantiated evidence that points to the need for the building to be demolished and the loss of an existing community facility.
20. The proposal would not accord with LP Policy HC7 as set out above. It would also not accord with Policy 7.4 of the DPD which requires planning decisions to complement and strengthen local character, and paragraph 97 of the Framework.

Living conditions of future occupiers

21. Policy D6 of the LP sets out the requirements for providing high quality design with adequately sized rooms which meet the needs of the occupiers. This includes avoiding single aspect dwellings, providing sufficient daylight and sunlight, avoiding overheating, and maximising the usability of outside amenity space.
22. Whilst the proposal includes seven flats, the main parties disagree on the proposed number of occupants for the flats, and whether they are suitably sized. The appellant deems that, flats 1, 4, 6 and 7 would be for one person, whilst flats 2, 3 and 5 would be for two persons. However, the Council considers that all the flats, apart from flat 4, would, based on the size of the bedrooms, be for two people. Nevertheless, based on the submitted proposal, all the flats would satisfy the size requirement set under the LP, which would be acceptable.
23. Despite LP Policy D6 seeking to avoid single aspect dwellings, only flats 1 and 6 would have dual aspect living areas. The proposed layout of the flats would, additionally result in the kitchens of flats 3 and 4 being some distance from a window. Consequently, they would likely need additional lighting for most of the time. Moreover, the windows for the living areas of flats 2, 3 and 7 would adjoin a balcony. Whilst a daylight and sunlight assessment has not been provided, the balcony would probably restrict daylight to these flats.
24. There would be no communal outdoor space for the residential units, however, all the flats would have a balcony. The DPD states that these should be a minimum of 5m² for 1-2 person dwellings. Whilst the figures provided by the parties differ slightly, the only contested one is flat 7 which I consider is slightly undersized and below the minimum required.
25. A section drawing through the building has not been submitted and so there is no substantiated evidence as to the height of the proposed rooms and whether they would accord with a floor to ceiling height above 2.5 metres for 75% of the gross internal area of each dwelling. Therefore, without such evidence, the proposal would not accord with LP Policy D6.
26. I therefore conclude that based on the numbers of occupiers set out in the application, the flats would accord with LP space standards. However, flats 2, 3, 4, 5 and 7 being single aspect, would not provide adequate daylight and sunlight, whilst flat 7 would not provide adequate outdoor space. Moreover,

without any evidence either way, I am unable to conclude that the internal height of the proposed residential units would be acceptable.

27. Therefore, the proposal would not accord with Policies 7A and 7B of the DPD and LP Policies D3, D4 and D6. Collectively these policies require a high standard of amenity for users of new development, which includes appropriate outlook and providing appropriate standards of new residential development.

No 1 Shackleton Road

28. The closest neighbouring property to the development would be No 1 Shackleton Road (No 1). This is an end of terrace house, with an attached single storey garage and a long garden to the rear. It shares a common boundary for much of the western boundary of the appeal site. Apart from a single storey garage located next to No 1's garage, the existing building at The Plough is sited away from the boundary. Additionally, much of this common boundary is adjacent to the existing pub garden.
29. Whilst there is no drawing of the proposed western elevation, which is intended to not have any windows, it would be built close to the boundary with No 1. As it would be 6.15 metres in height and extend the full length of the boundary and beyond, it would result in the enclosure of one side of No 1's garden. This would be oppressive and harm the occupier's enjoyment of their garden. Although the proposal would be to the east of No 1 and would, therefore, be unlikely to affect daylight, there would be some reduction in winter sunlight to those parts of the garden bordering the proposed building. However, this would be of limited harm.
30. Flat 7 in the proposed building would be the closest to No 1. Whilst it would have no windows that would look directly into No 1 and has been set back to avoid blocking No 1's side windows, it would have a balcony overlooking Shackleton Road. This would be close to the four windows at 1st and 2nd floor levels that I could see on the side elevation of No 1. A proposed triangular privacy screen would prevent any overlooking from those sitting on the balcony of flat 7, however, if the occupiers were standing up, it is likely that there would be direct views into the adjoining windows.
31. Therefore, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of No 1 with regards to outlook and privacy, and limited harm regarding sunlight to the garden. It would not accord with Policy 7B of the DPD, LP Policy D4 and D6 and CS Policies 1.1 (e) (i) and 3.8. Collectively, these policies require a high standard of amenity for users and adjacent uses by ensuring good levels of daylight and sunlight, good levels of privacy and positive visual impact.

Housing need

32. LP Policy H10 requires that residential development should have a range of unit sizes based on robust local evidence of need and the nature and location of the site. The policy affirms that a proportion of one and two bed units are generally more appropriate in locations which are closer to a town centre or station or with a higher public transport access and connectivity.
33. The proposed development would provide seven, one-bedroom units. However, Ealing Housing Needs Assessment, 2022, (EHNA) demonstrates that the greatest need within the borough is for three-bedroom houses.

34. The site is according to the appellant 0.7 miles from Southall Station and is outside the town centre. Whilst the proposal does have some access to bus stops, it has a Public Transport Accessibility Level (PTAL) 3 rating, and so does not have a high accessibility rating. Therefore, whilst the site is located within an established residential area and the LP seeks to increase housing within London, the site would not be suitably located for providing one-bedroom units. Moreover, it would not provide the family scale housing that has the greatest need within the borough.
35. Therefore, I conclude that the proposal would not meet the housing needs of the area and respond to the scale of the surroundings. It would not accord with LP Policy H10 as set out above and the EHNA.
36. The Council refers to the Ealing Design Guidance, 2022, however, as the submitted extract refers to modifying existing buildings, it is not relevant to the appeal case.

Highway safety

37. To the side of The Plough is an informal parking area. The proposed development would provide two parking spaces within this area and would widen the existing dropped kerbs from North Road and onto Shackleton Road to allow lorries to access the area, mainly for the delivery of goods to the proposed retail unit.
38. Shackleton Road is a residential street of terraced houses. It has permit only parking along either side of the road. This, from what I observed, results in a street of tightly packed vehicles.
39. The proposed access point off North Road is close to both the existing junction with Shackleton Road, and the junction on North Road. This results in vehicles moving from three directions that coalesce close to the entrance to the car park on North Road. Increasing the size of the access points to permit large vehicles to enter and exit would exacerbate this and result in a conflict with other road users and pedestrians.
40. I therefore conclude that the proposed development would, with its site layout and the widening of the dropped kerbs, affect highway safety in this location. It would not accord with LP Policies T3 and T4 which require development to not increase road danger, as well as supporting public transport, walking and cycling.

Other Matters

41. Whilst the appellant has included photovoltaic solar panels, and it is intended that all appliances would be energy efficient, with a partial green roof to reduce runoff, as well as improve biodiversity and thermal performance, these are features expected of new development. Aiming to produce at least 10% of the energy from on-site renewables is to be supported. However, there is no substantive evidence that this is likely to be achieved. Therefore, this provides limited weight.
42. Although bird boxes and insect hotels are intended to boost Biodiversity Net Gain to 10%, there is no substantive evidence that sets out what measures would be undertaken. This does not, therefore, weigh in favour of the proposal.

- 43. The parking survey submitted with the evidence provides details of existing parking restrictions. It does not provide any details on the availability of parking at specific times and dates. Consequently, it is of limited weight.
- 44. Whilst not a reason for refusal, Historic England had advised that the proposal is within an area of archaeological interest (Archaeological Priority Area). As such, an archaeological assessment to identify the impact that the development proposal would have on any archaeological remains is required in accordance with paragraph 200 of the Framework. No such assessment has been undertaken. However, as I am dismissing the appeal, this does not need to be considered further.
- 45. The appellant refers to discussions between the Council over the progress and outcome of the application. However, these are matters between the main parties and do not affect my determination of the appeal.

Conclusion

- 46. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and that warrant a decision other than in accordance with the development plan.
- 47. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR