



Appeal Decision

Site visit made on 12 November 2024

by Stephen Hawkins MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2024

Appeal Ref: APP/A5270/W/23/3317146

2 Barlow Road, Acton, London W3 9LJ

- 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 Garfield Reece against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 223183FUL.
 - The development proposed is the creation of additional flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My Decision takes into account the revised National Planning Policy Framework (the Framework), published on 19 December 2023.
3. The appellant referred to making an application for an award of their costs, but none has been forthcoming. In any event, there is little before me to indicate that the conditions for an award of costs¹ might be met.

Main Issue

4. The main issue in the appeal is whether there would be suitable living conditions for future occupiers of the proposed flat, having regard to the provision of internal floorspace.

Reasons

Living conditions

5. The appeal property contains a two storey, semi-detached residential building. The proposed flat would occupy the roof space.
6. According to the drawing submitted with the application, the flat would have a gross internal floor area (GIA) of around 48m². This would exceed the minimum internal space standard of 39m² GIA for a one-bedroomed, one-person flat, set out in Table 3.1 to Policy D6 of the London Plan (LP). Reflecting the Government's Technical Housing Standards-Nationally Described Space Standard (THS)², this minimum space standard is reiterated in the local variation to LP Policy 3.5 in the Council's Development Management Development Plan Document (DPD) and in Annex 4 of the Mayor of London's Housing Supplementary Planning Guidance (SPG).

¹ Set out in paragraph 030 of the Planning Practice Guidance-Appeals chapter.

² DCLG March 2015.

7. Nevertheless, creating a flat with the GIA proposed is contingent on the roof of the building having been enlarged to incorporate a hip-to-gable end and a rear box dormer. These roof enlargements, which would contribute to the creation of perhaps as much as half of the floorspace in the flat, do not exist. No roof enlargements are proposed as part of the appeal scheme. The planning permission granted in 2019 to enlarge the roof of the building has lapsed³.
8. Given these circumstances, utilising the existing roof space would lead to a flat with a GIA which fell well below that required to meet the minimum standard, set out above. The substantial shortfall in GIA compared to the minimum standard would lead to an uncomfortably cramped and congested living space for future occupiers of the flat. For example, given the restricted floor area there would be limited room in the flat, following the provision of kitchen and bathroom facilities, to accommodate basic items of domestic furniture such as a bed, a sofa chair and a table, whilst also providing sufficient space for storing day-to-day household items and for circulation.
9. In the absence of an adequate amount of internal floorspace, suitable living conditions would not be provided for future occupiers of the flat. This is in conflict with LP Policy D6, which requires housing developments to be of high-quality design and have adequately sized rooms, with private internal space providing at least the GIA and built-in storage area set out in Table 3.1. For similar reasons, the flat conflicts with the DPD, as well as being inconsistent with the SPG and the THS. There is no conflict however with the Council's Development (or Core) Strategy 2026 Development Plan Document, no relevant policies therein having been drawn to my attention in relation to this matter.

Conclusion

10. The proposed flat is in conflict with the Development Plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR

³ 192884HH