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## Appeal Decision

Site visit made on 3 February 2025

by **L C Hughes BA (Hons) MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 February 2025

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**Appeal Ref: APP/A5270/W/24/3347672**

**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 240311FUL.
  - The development proposed is Construction of a two-storey building with part basement level to accommodate commercial/public house space (Mixed Use Class E/Sui Generis) and 6 self-contained residential units (Use Class C3); installation of solar panels; and provision of associated amenity spaces, cycle and refuse storage (following demolition of the existing building).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development from the decision notice and the appeal form, as this more accurately describes the development.
3. On the 12 December 2024 the Government published a revised National Planning Policy Framework (the Framework). The revised Framework is a material consideration which should be taken into account from the day of publication. The revised Framework has not raised any new matters which are determinative to the outcome of this appeal. I have not therefore considered it necessary to invite any submissions from the parties on the revised Framework. Where references are made to paragraph numbers of the Framework, these are references to the most recent version.
4. An appeal for a similar scheme at the appeal site was dismissed by an Inspector in November 2024.<sup>1</sup> Whilst the recent appeal decision is a material consideration to which I have had regard, I have determined this appeal on its own merits.

### Main Issues

5. The main issues are the effect of the proposal on:
  - an existing community facility;
  - the character and appearance of the area;
  - the living conditions of future occupiers with regard to internal living space;

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<sup>1</sup> APP/A5270/W/24/3337485

- the living conditions of 1 Shackleton Road with regard to outlook; and
- highway safety.

## **Reasons**

### *The community facility*

6. Policy HC7 of the London Plan (2021) (LonP) 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.
7. The Plough public house is an attractive building within the street scene, and whilst it has no formal heritage designation, and is not listed as a Community Asset, the London Plan is clear that pubs are part of London's built, social and cultural heritage. Pubs are often popular due to their intrinsic character, which can be derived from their architecture, fittings and as a meeting place for the local community.
8. A new bar of a similar size to the existing pub, with a function space and outdoor area, would be included as part of the proposal, thus retaining the licenced premises on site. However, whilst the new bar and function room would be used by the public, it would not have the same longstanding historic links with the local community, nor would it have the same architectural interest and features of the current pub which add to its charm and its value within the local area.
9. Moreover, from my site visit I noticed that The Plough was currently in use as a public house, and whilst the pub garden was not very well maintained, the pub itself was in good order. I have been presented with no marketing evidence that the building cannot remain in use as a pub.
10. Consequently, there is no substantive evidence before me to justify the loss of an existing community facility or for the necessity of the existing public house to be demolished. The proposal would therefore not comply with LonP Policy HC7 which seeks to protect public houses. It would also conflict with Policy 7.4 of the Ealing Development Management Development Plan Document 2013 (DPD) which seeks to ensure that developments complement local character. Furthermore, it would conflict with Paragraph 98 of the Framework which stresses the need to guard against the loss of valued facilities.

### *Character and appearance*

11. The Plough, which overlooks a pleasant green amenity space, is situated in a largely residential area, with a small number of retail units in proximity.
12. The building's distinctive architectural features include chimneys, leaded fenestration, first floor gable projection and ceramic tiles on the lower part of the building. Although not listed or in a Conservation Area, the Plough is an attractive building, reflecting the scale and built form of surrounding properties. Moreover, its position on a prominent corner plot acts as a focal point, adding to its contribution to the street scene.

13. The surrounding streets have a pleasant, traditional suburban feel, and the general uniformity in scale and design of the dwellings gives a harmonious impression of cohesiveness which adds positively to the character and appearance of the area.
14. Developments of a different style and with innovative designs can add character and interest to an area. However, the proposed green walls and solar panels would be at odds with the surrounding buildings. The proposal would have a flat roof, would be linear in design, and would have a long elevation fronting North Road, thus having an appearance of different proportions unrepresentative of surrounding properties. Whilst using materials which reflect those found in the local area, it would not reflect the scale or the design features of the traditional surrounding buildings. The proposal would be over dominant, incongruous and would have an awkward relationship with neighbouring properties, not integrating effectively within the street scene.
15. As such, the proposal would harm the character and appearance of the area. It would therefore not comply with Policy D4 of the LonP which seeks to ensure good design. It would conflict with Policy 7.4 of the DPD which states that developments should complement the street sequence, building pattern, local scale, materials and detailing. Moreover, it would not accord with Paragraph 135 of the Framework which highlights that developments should be sympathetic to local character.

*Living conditions of future occupiers*

16. There is some dispute between the main parties regarding the number of intended occupants for each individual flat. It is agreed that Flat Four would be for one person, and would exceed LonP Policy D6 recommended gross internal floorspace standard of 37m<sup>2</sup> for a one-bedroom, one-person flat. Flat Six would be a three-bed property that could accommodate six people, and would exceed the recommended space standards of 95m<sup>2</sup> for such a flat. Other than Flat One, the other proposed units would exceed the recommended gross internal floor space of 50m<sup>2</sup> for a one-bedroom, two-person flat. Flat One would fall under the recommended standard, although it would exceed the standards for a one-person flat. Moreover, the evidence suggests that Flat One would be almost 48m<sup>2</sup>, falling only marginally short of the required internal floor space of 50m<sup>2</sup> and would be dual aspect, with sufficient room for furniture and adequate circulation space. As such, its overall internal floor space would be acceptable.
17. The Housing Design Standards 2023 is a London Plan Guidance Document, and provide a set of standards that relate to housing design. The evidence suggests that Flat One's kitchen/living area would fall slightly below the recommended Housing Design Standards of 23m<sup>2</sup>. However, the room would be usable and functional for either one or two occupants. The Guidance document indicates that for a three-bedroom unit, such as Flat Six, the kitchen/living area should measure between 29m<sup>2</sup> and 30m<sup>2</sup>. The evidence indicates that the kitchen/living area of Flat Six would fall short of this requirement, measuring less than 23m<sup>2</sup>. As such, the space would not provide adequate living conditions for the future occupiers of the flat, being somewhat cramped and constrained for the number of intended occupants.
18. LonP Policy D6 states that housing developments are required to meet minimum standards regarding the width of bedrooms. Not all the flats' bedrooms would meet the required width of a double bedroom of 2.75m. Even though the shortfalls would

be modest, the standards set out in LonP Policy D6 are minimum standards. The effect of the shortfalls would lead to the bedrooms feeling cramped and reduce the options of furniture placement. There is no persuasive evidence before me to demonstrate that a departure from these standards should be made for the proposed flats.

19. The proposal would not, therefore, provide adequate living conditions for future occupiers with regard to internal living space. The proposal would therefore conflict with LonP Policies D3, D4 and D6 and Policies 7A and 7B of the DPD, which together require high standards of amenity and appropriate internal space standards for occupiers of new developments. Furthermore, the proposal would not comply with internal space standards detailed in the Housing Design Standards 2023.

#### *Living conditions of the occupiers of 1 Shackleton Road*

20. 1 Shackleton Road (No 1) is an end of terrace residential dwelling with a long rear garden which shares a boundary with The Plough. At present, the rear building line of The Plough is generally aligned with the rear of No 1, and beyond the rear of the buildings, there is an absence of built form along the majority of the shared boundary, with the rear garden of No 1 lying adjacent to the pub garden area.
21. The submitted plans indicate that there would be no windows on the elevation facing No 1, and therefore future occupiers of the proposal would not be able to overlook the property. Additionally, the submitted shadow assessments indicate that due to the proposal's siting in relation to No 1, whilst there would be some overshadowing of No 1's rear garden this would generally be limited to the early morning and would not result in an unreasonable loss of light or overshadowing.
22. However, the proposal would be set close to the common boundary and would result in a flank wall which the evidence suggests would be approximately 6.2m in height. The wall would extend the full length of No 1's rear garden, fully enclosing it to one side.
23. The proposal would be appreciable from the rear windows of No 1, and constantly apparent to the occupants of No 1 when in their rear garden, limiting their enjoyment of their outside space. Given the siting of the proposal close to the boundary, along with its scale and mass, it would impose a considerable bulk of built development that would be overbearing and oppressive, dominating the outlook from the rear of No 1, giving an unacceptable sense of enclosure. The proposed green wall would not mitigate this impact.
24. As such, the proposal would harm the living conditions of the occupiers of No 1 with regard to outlook. It would not comply with LonP Policies D4 and D6 and Policy 7B of the DPD which require that developments should be well designed and provide a high standard of amenity for adjacent users. The Council has referred to Policies 1.1 (e) (i) and 3.8 of the Ealing Core Strategy (2012) in its decision notice, but these do not cover issues relating to the effects of development on the living conditions of neighbouring occupiers.

#### *Highway Safety*

25. The Plough has a parking area to its side, with dropped kerbs onto North Road and Shackleton Road. The proposal would provide two staff parking spaces within

the forecourt, and the evidence indicates that the dropped kerbs would be extended to over double their current width.

26. Properties along Shackleton Road have very limited off-street parking, with vehicles tightly parked on either side of the road resulting in a relatively narrow space for vehicles to drive along. The access points onto the forecourt are situated close to the junction with Shackleton Road and the junction on North Road. Vehicles would approach the two access points from a number of directions.
27. Whilst the forecourt and dropped kerbs are currently in use, and the evidence suggests that there have been no recorded road accidents by the junction in recent years, the proposed widening of the access points would allow for large vehicles to enter and exit the forecourt and would intensify its use. Due to the location of the access points close to junctions, this is likely to result in a conflict between vehicles and pedestrians.
28. The proposed widening of the access points would therefore have a detrimental effect on highway safety. As such, it would not comply with LonP Policies T3 and T4 which support walking and cycling and seek to ensure that developments should not increase road danger.

### **Other Matters**

29. The proposed development would be in an accessible location, would incorporate sustainable design and construction methods, would achieve slightly above the minimum 0.3 Urban Greening Factor and would provide bird boxes and insect hotels. However, energy efficiency and improvements in biodiversity are features expected in new developments and as such provide limited weight in support of the proposal, which does not outweigh the harm that I have identified.
30. The proposal was amended following a refusal of an earlier scheme, addressing a number of the Council's previous concerns. However, the amendments are insufficient to overcome the identified harm and the conflict with the development plan.
31. The appellant is aggrieved with the Council's handling of his application. However, this is a matter between the parties and is outside the remit of the appeal. I have only had regard to the planning merits of the case, on the basis of the evidence that is before me.

### **Conclusion**

32. 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.
33. For the reasons given above the appeal should be dismissed.

*L C Hughes*

INSPECTOR