



Appeal Decision

Site visit made on 11 February 2025

by **R C Kirby BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/A5270/W/24/3351918

10 Avalon Road, Ealing, West Ealing W13 0BN

- 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 Amir Abbasi against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 242122FUL.
 - The development proposed is conversion of premises into HMO (Home in multiple occupancy) of sui-generis use. Converting the rear garden annex into gym and storage as ancillary use of the residents to main dwelling. Single storey rear-side infill extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the intended future occupiers, with particular regard kitchen facilities and communal areas; and
 - the living conditions of occupiers No 8 Avalon Road with particular regard to outlook and daylight.

Procedural Matters

3. On my site visit I observed that extensions and alterations to the property had been, and were in the process of being undertaken. They do not reflect either the existing drawings submitted with the appeal or the proposed drawings. For the avoidance of doubt, my consideration of the appeal proposal is on the basis of the proposed drawings, and not what has been constructed on the site.
4. A revised National Planning Policy Framework was published in December 2024. The parties were given the opportunity to comment on this document and any comments received have been taken into consideration in my decision.

Reasons

Living conditions of the intended future occupiers

5. The appeal property is a 4 bedroom, extended 2-storey semi-detached dwelling with accommodation in the roof served by a dormer on the rear elevation and roof lights on the front. There is a detached outbuilding in the rear garden..

6. The proposal includes a 9 bedroom House in Multiple Occupation (HMO) with ensuite facilities. The submitted drawings show that three of the bedrooms would have single beds and 6 would have double beds. This number differs from that calculated by the Council who have indicated that there would be 4 single rooms and 5 double rooms. The main parties are in agreement that the property could be occupied by 14 people.
7. Policy 7B of the Council's Development Management Development Plan Document Adopted 10th December 2013 (DPD) requires new development to achieve a high standard of amenity for users, by ensuring, amongst matters good levels of daylight and sunlight. Although pre-dating the Framework, this policy is in general accordance with its aims of creating places with a high standard of amenity for existing and future users.
8. Reference is also made to the Council's 'HMO Standards' (Standards) which detail a number of matters that it expects to be provided within HMOs, including kitchen facilities, required appliances, work and storage space. It is clear that the Standards form the basis of conditions attached to a HMO licence as opposed to a requirement for planning permission and I have treated it as such.
9. A shared kitchen is shown on the ground floor and a shared kitchen/dining area is also shown within the roofspace. Whilst limited details are shown on the drawings, the kitchens appear to be of a size whereby they could accommodate cooking facilities for the intended occupiers, fridges/freezers, place to prepare food and to wash-up.
10. The ground floor kitchen would have no windows. Being located within the middle of the property and given the design of the internal accommodation, it is unlikely to receive any daylight or natural ventilation. It is likely therefore that lighting would need to be used by the occupiers at all times whenever using this room. Odours from cooking could however be extracted by mechanical ventilation and this could be controlled by a suitably worded planning condition.
11. There is no shared lounge proposed and whilst the landing, entrance hall, staircase and utility area could be used by all of the occupiers, these are unlikely to be places where people would regularly engage with each other. The small size of the gym in the rear garden would also provide limited opportunities for occupiers of the property to socialise with each other.
12. Although there may be space for a small table within the ground floor kitchen, its size and absence of any outlook and daylight would make it an unpleasant space to use. Apart from preparing drinks and meals it is unlikely that this area would be used communally by occupiers of the property.
13. The roofspace kitchen would be a more pleasant place to use with access to natural light. It would allow space for some of the occupiers to meet, however its location in the property would be unlikely to be attractive to those occupying the ground floor rooms because of the distance away from it.
14. Given the above, there would be a high probability that the intended future occupiers would spend the majority of their time at home within their bedrooms, with there being limited opportunity to meet other residents of the property. The absence of any meaningful community space would not promote health and well-being as required by paragraph 135 f) of the Framework.

15. In light of the above, I conclude that acceptable living standards would not be provided for the intended future occupiers of the property, in conflict with the high standard of amenity objectives of DPD Policy 7B and the comfortable and functional layouts objectives of The London Plan Policy D6.
16. The Council has made reference to The London Plan Policies D4 and T6, however these policies are not directly relevant to the proposal before me relating to more strategic matters and car parking. The Technical Housing Standards are also referenced in the Council's first reason for refusal, however the Council has not explained where there would be conflict with these standards and I am unable therefore to conclude whether or not the proposal would conflict with them.

Living conditions of the occupiers of 8 Avalon Road

17. No 8 Avalon Road is located to the south of No 10. It has a single storey side extension constructed on the party boundary, with a large window to the front and the rear and a lantern style roof light. Between the side elevation of No 8 and the appeal property is a narrow passageway. Tall boundary fencing along the party boundary beyond No 8's extension exists.
18. The rear extension of the host property extends beyond the rear elevation of No 8 over 2 storeys. The proposed extension would extend 3 metres beyond the rear of the property in close proximity to the boundary with No 8. It would have a flat roof and is shown to be 3 metres in height.
19. The extension would be visible from the rear windows and garden of No 8, however its limited height and it being built away from the boundary would ensure that it would not be intrusive, unduly enclosing or harmful to the outlook from the rear facing windows of No 8. The open outlook to No 8's rear garden would be maintained.
20. Moreover, the appellant's Daylight and Sunlight Assessment (Blue Sky Surveyors) demonstrates that the proposal would comply with BRE Report 209, Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022) so far as No 8 is concerned, for both daylight and sunlight. In the absence of substantive evidence to demonstrate otherwise, the scale of the proposal and its relationship to No 8 would be unlikely to reduce daylight to the rear facing rooms to an unacceptable degree.
21. Accordingly, I conclude that the proposal would not be harmful to the living conditions of the occupiers of No 8 Avalon Road. The proposal accords with the high standard of amenity objectives of DPD Policy 7B and The London Plan Policy D6.

Conclusion

22. The harm that would be caused to the living conditions of the intended future occupiers and the conflict with the development plan means that the proposal is not acceptable. There are no material considerations which indicate a decision other than in accordance with the development plan.
23. The appeal is dismissed.

RC Kirby INSPECTOR