



Appeal Decision

Site visit made on 29 January 2025

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th March 2025

Appeal Ref: APP/A5270/W/24/3354703

107 Mandeville Road, Northolt, Ealing UB5 4LX

- 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 Aaron Money against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 242868FUL.
 - The development proposed is described as “the erection of a one-bed one person dwelling following the demolition of the existing outbuilding to the rear of 107 Mandeville Road.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council’s notice of decision, the National Planning Policy Framework (the Framework) has been revised (December 2024). The main parties have had the opportunity to comment on these changes in regard to the appeal proposal.
3. The Council has referred on its notice of decision to a policy within its emerging plan, Ealing’s Draft Local Plan (EDLP) said to be at Regulation 19 stage. Given that it is not the adopted development plan, its early stage, and that it has not been examined, I attach limited weight to the EDLP at this stage.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the area, with particular regard to its siting, scale and design; and
 - Whether future occupiers of the proposed development would have satisfactory living conditions, with particular regard to the proposed floor to ceiling height and outdoor space.

Reasons

Character and appearance

5. The appeal site includes no. 107 Mandeville Road and its rear garden, part of which has a frontage onto Castle Road, which is where the proposed new dwelling would be located. The nearby properties on Mandeville Road are two storey (albeit some have rooms in the roof space) and arranged in terraces. They have generous setbacks from the road, and their rear gardens are usually longer than their front gardens. The nearest properties on Castle Road are also two storeys,

with generous and uniform setbacks from their front sides, arranged as either terraces or in pairs of semi-detached properties and they also have rear gardens. These aspects positively contribute to the distinctive character and appearance of the area.

6. The Ealing Design Guidance, B Report (Housing Design Guidance), dated November 2022 says successful new developments should respond to their surroundings, enhance the character of the local neighbourhood by creating legible and coherent places, including respecting established building lines.
7. There is an existing flat roofed single storey outbuilding in the rear garden of the appeal property, there is also a similar outbuilding in the rear garden of the adjoining property, no. 105. In addition, there is a flat roofed garage with roller shutter doors on the opposite side of Castle Road (behind No. 109 Mandeville Road) that faces onto Castle Road. It is noted that the garage to the rear of no. 109 is closer to Castle Road than its adjoining property (no.1 Castle Road), although it appears to have been built some time ago. The appearance of these outbuildings and garage, do not individually or collectively contribute positively to the character and appearance of the area. In addition, they are ancillary to their host properties, and function as such, they do not have a split curtilage arrangement or appear as individual dwellings.
8. The proposed dwelling would be single storey and have a flat roof design, said to have a maximum roof height of some 2.8 metres. Its location within a small part of the host property's rear garden means it would uncharacteristically adjoin two of its boundaries (the boundary to the adjoining track and that to no. 105 Mandeville Road). Furthermore, its setback from Castle Road is said to only be approximately 2.6 metres, which would be much less than other properties facing onto the road, including the adjoining property (no. 2 Castle Road, said to be setback by another 2.45 metres or so).
9. The proposal seeks to mimic the flat roofed ancillary structures on and near the appeal site. However, as the proposal would be higher than the existing outbuildings at both the appeal property and at no. 105, and given that it would be approximately 1 metre taller than the existing front boundary fence at the appeal property, there would be views of it from Castle Road, particularly with it directly adjoining the existing access track. As a result, it would be more prominent than the existing outbuildings, and its appearance would be different to an ancillary outbuilding, particularly its independent access, fenestration and fenced curtilage arrangement. Its single storey scale and flat roof design would harmfully contrast with the strongly defined character and rhythm of residential development in the area, which would be exacerbated by its forward siting, creating an illegible and incoherent form of residential development.
10. Moreover, its siting within the appeal site and the limited space around it, in comparison to the properties nearby that have both front and rear gardens, would result in a cramped appearance, which would be out of character with the surrounding area. Its single storey scale and lack of any defining architectural features would also be alien amongst the surrounding two storey pitched roof properties and introduce a wholly discordant feature onto the appeal site that would add to the identified harm to the character and appearance of the area.

11. The appellant has said that planning permission has been granted for extensions to the appeal property and also a new dwelling¹ attached to the side of it, and that the new dwelling would be two storeys high and closer to Castle Road than the appeal proposal. I have been supplied with copies of the approved plans for the new dwelling, which I have carefully considered. On my site inspection I saw that permission for the new dwelling has not been implemented to date. Nevertheless, the extant permission is a relevant consideration. Although it would introduce a property closer to Castle Road, that property would have a frontage onto Mandeville Road, in a similar arrangement to the terrace it would be part of. It would also be located at the end of Castle Road and near to the junction between the two roads, and unlike the appeal proposal it would be seen differently from the properties along Castle Road. The existence of the extant permission has not persuaded me that the siting of the proposal would be acceptable or in keeping with the established setbacks of properties facing onto Castle Road, I therefore attach limited weight to it in my decision.
12. It has also been argued that the proposal would not be reflective of the existing houses around it, but it would deliver a new home in a different way. This is noted, but it does not alter my findings above.
13. I therefore conclude that the proposed development would be harmful to the character and appearance of the area, and conflict with the relevant parts of Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP) and Policies 7.4 and 7B of Ealing's Development Management, Development Plan Document, adopted December 2013 (EDMDPD) that amongst other things require development to be high quality and complement the scale of existing built areas and enhance local context by delivering buildings that positively respond to local distinctiveness through their scale and appearance. In addition, the proposal would also conflict with EDLP Policy DAA, insofar as it requires development to achieve a high-quality environment and have a positive visual impact.
14. The Council referred to the proposal conflicting with LP Policy D4. Policy D4 is mainly focussed on strategic design review and analysis, and I did not find it to be directly determinative on this main issue.

Living conditions – future occupiers

Floor to ceiling height

15. There is no dispute between the main parties that the proposed development's floor to ceiling height would measure 2.3 metres.
16. EDMDPD Policy 3.5 says usable floor area is where there is a minimum of 2.5 metres from the finished floor level and the ceiling height, the supporting text to the policy says that when ceiling heights are lower than 2.5 metres it must be demonstrated that the spaces remain usable. LP Policy D6 requires the minimum floor to ceiling height to be 2.5 metres for at least 75 per cent of the gross internal area of each dwelling. The supporting text to Policy D6 states that such a height is necessary to address possible urban heat island effects, prevent obstructions, and because most housing developments in London are made up of flats, to enable

¹ Ref. 234352FUL

them to have adequate living conditions, especially in terms of daylight, ventilation, cooling, and to ensure a sense of space.

17. The appellant has referred to the Technical Housing Standards, Nationally Described Space Standard, dated March 2015 (NDSS) that states 2.3 metres as the minimum floor to ceiling height over at least 75% of the gross internal area for a new residential property. This is a significant material consideration as it sets the minimum acceptable ceiling height for new dwellings on a national basis. The proposal would be consistent with the minimum floor to ceiling height as set out in the NDSS.
18. Furthermore, the Council has not identified any harmful effects arising for the living conditions of future occupiers from the proposed ceiling height. EDMDPD Policy 3.5 predates the NDSS, but LP Policy D6 was adopted after NDSS was issued. Nevertheless, the proposal would not appear to be in direct conflict with the reasons set out within its supporting text as to why a 2.5 metre floor to ceiling height is necessary. This is because the proposal would not be a flat, there would be adequate day light and sunlight for future occupiers within the proposed property, and due to its orientation and its dual aspect there's unlikely to be unacceptable heating or cooling issues. Moreover, I find the proposal with a ceiling height of 2.3 metres would provide adequate living conditions for future occupiers and accord with the relevant part of the NDSS.

Outdoor space provision

19. LP Policy D6 says where there are no higher local standards in a borough's Development Plan Documents, a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings. EDMDPD Policy 7D seeks to address open space provision, within its accompanying Table 7D.2 it states the same private outdoor space that is required by Policy D6. However, the supporting text to Table 7D.2 states that in most circumstances it would need to be supplemented by additional private garden space for amongst other reasons, to safeguard the privacy and amenity of existing and future occupants. The supporting text accompanying Table 7D.2 says typically this would be an area of 50 square metres of private garden space per house that is fit for purpose, genuinely private, screened from roads and not permanently overshadowed. It also adds that narrow, unusable areas should not count towards this requirement.
20. The appellant has calculated the outdoor amenity space to be 39 square metres in area, 2 square metres greater than the floorspace of the proposed dwelling. The outdoor space would be behind a tall fence, said to be some 1.8 metres or so high (which could be secured by condition), and although it would be located to two sides of the proposed dwelling, these would not be separate areas as the Council suggest. Furthermore, it would be functional space that would not be unacceptably over shadowed and could be used for drying clothes and/or contain usable garden furniture, and the proposed dwelling would also have windows facing onto it. The size and shape of the space would be functional and provide a satisfactory area for a single occupier. As a result, the proposed outdoor space would be private, fit for purpose, and of a satisfactory size, which would not be harmful to the living conditions of future occupiers.

Conclusion

21. I therefore conclude that the floor to ceiling height of the proposal would accord with the NDSS, and the proposal would provide adequate private amenity space, and ensure future occupiers have satisfactory living conditions. Nevertheless, the proposal would also conflict with the relevant parts of LP Policy D6 and EDMDPD Policies 3.5 and 7D in terms of them requiring a 2.5 metre floor to ceiling height and 50 square metres of private amenity space for a new dwelling.

Other Matters

22. The appellant stated the proposal is exempt from Biodiversity Net Gain (BNG) and indicated separately that it would be a self-build and custom-build scheme, but the Council has said that it would not be exempt, and that a Biodiversity Gain Plan (BGP) would be required in the event the proposal was approved. Although the Council has not set out why the proposal would not be exempt from BNG, nor has a baseline assessment been provided with the application to allow a BGP to be calculated. Furthermore, the Council has not included a reason for refusal on its notice of decision in respect of BNG. However, as I am dismissing the appeal for other reasons it has not been necessary to address this issue further.
23. The appellant has said the site is not statutorily listed, within a Conservation Area, or within any other areas of notable designations, and that it would meet minimum floorspace requirements. These are noted but they are neutral matters that do not weigh in favour or against the proposal.

Planning Balance and Conclusion

24. Despite my findings above that the proposal would provide future occupiers with satisfactory living conditions, there would be conflict with the development plan in terms of its floor to ceiling height and the size of its outdoor space. I also found the proposal to conflict with the development plan in terms of its effect on the character and appearance of the area, I give this identified harm and conflict with the development plan in terms of the effect on character and appearance significant weight.
25. The Council has advised that it has a 3.7-year supply of housing based on Ealing's Five-Year Housing Land Supply Position Statement and Housing Trajectory, dated November 2023 and in accordance with footnote 8 of the Framework, the presumption in favour of sustainable development as set out within paragraph 11 applies.
26. With there being no identified conflict with policies of the Framework referred to in footnote 7, paragraph 11 d) ii is engaged, which states planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
27. The benefits of the proposal include the provision of one additional small unit of accommodation that would contribute towards Ealing's overall supply of housing, in a location that is near to public transport, and it would make an efficient use of land. There would also be some economic benefits arising from the construction

works for the proposed development. Taking the benefits together, given the scale of the proposal they are limited.

28. Against this would be the harm arising to the character and appearance of the area, and in this regard the Framework at paragraph 131 also states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Furthermore, it states that good design is a key aspect of sustainable development, to create better places in which to live and work and helps make development acceptable to communities, and at paragraph 139 it says development that is not well designed should be refused. Paragraph 135 makes it clear that developments should function well and add to the overall quality of the area and be sympathetic to local character and history. The proposal would, for the reasons outlined above, conflict with these policies of the Framework and would not provide a well-designed place.
29. In addition, paragraph 135 of the Framework also requires development to provide existing and future users with a high standard of amenity. In view of my findings above, the proposal would not conflict with the Framework in this regard. However, securing satisfactory living conditions would likely be a requirement for all such development and is not a benefit, it is a neutral matter that does not weigh in favour or against the proposal.
30. Accordingly, when assessed against the policies in the Framework taken as a whole, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.
31. To conclude, the proposal would conflict with the requirements of the development plan when taken as a whole, and there are no other considerations, including the Framework and those raised by the appellant, that outweigh this conflict. For the reasons outlined above the appeal should be dismissed.

A Hunter

INSPECTOR