



Appeal Decision

Site visit made on 2 April 2025

by **L J O'Brien BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 April 2025

Appeal Ref: APP/A5270/W/24/3356795

8 Oldham Terrace, EALING, London, W3 6LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr H Al-Najafi against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243465FUL.
 - The development proposed is Construction of a single storey self-contained residential unit following the demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes and no parties have been prejudiced as a result.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether or not the proposal would provide satisfactory living conditions for future residents with particular regard to outlook and amenity space.

Reasons

4. The appeal site is situated on Oldham Terrace, a narrow road accessed from Acton High Street. The site is currently occupied by a single storey building in the former rear garden of No.29 Berrymead Garden which has its frontage on to Oldham Terrace. The existing building is an unauthorised dwelling which is currently vacant due to an enforcement notice being served.
5. The surrounding area is characterised by a mix of residential developments and community facilities of Acton. Directly west of the site is Acton Town Health Centre. Rear gardens of residential properties, some with rear outbuildings, lie to the north and south of the site.

Character and appearance

6. Oldham Terrace is a narrow side street which comprises a variety of buildings. However, in the immediate vicinity of the appeal site the road is characterised by single storey buildings and surrounding boundary treatments. The proposed dwelling would reflect design elements, in terms of materials, the residential use and the overall shape of the building, found elsewhere in the area; particularly those which characterise the large block of flats opposite the site. Similarly, the proposed dwelling would have a front door which would open onto the street in a similar way to other ground floor units towards the end of the road. In these respects, the proposal would sit comfortably with its surroundings.
7. However, the proposed dwelling would be approximately 3.3m in height with large clerestorey window elements to the front elevation. The proposed dwelling would be significantly higher than neighbouring structures along this part of the street and, for this reason, would appear as a clear anomaly in the overall pattern of development. The scale of the proposed building would be such that it would appear visually jarring within its context and would fail to reflect the lower heights of the neighbouring developments.
8. I acknowledge that the existing single storey building does not itself contribute positively to the character and appearance of the area. It is, however, discreet and sits relatively inconspicuously amongst other structures of a similar height and appearance.
9. Consequently, I consider that the proposal would fail to assimilate well within the streetscene and would thus cause harm to the character and appearance of the area. The proposal would, therefore, fail to comply with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document, 2013 (DPD). These policies seek to promote a high standard of design and to ensure that development in Ealing's existing built areas complement their street sequence, building pattern, scale, materials and detailing.
10. The proposal would also conflict with Policies D3 and D4 of the London Plan, 2021 (The London Plan) which expect a high standard of design and set out that development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.
11. The development would also fall short of the expectations of The Framework which promotes high standards of design and states that developments should be visually attractive and sympathetic to the character of the area.

Living conditions

12. The proposed dwelling would be set across a single-storey with an open plan. The living area would be to the front of the property, a kitchen would run along the side wall and a bedroom space, partially separated from the main living space by a courtyard, would occupy the rear of the floorplan. A separate shower room would also be sited at the rear of the proposed dwelling. The evidence before me indicates that the expectation is that this studio unit would accommodate a single occupant.
13. The proposed dwelling would have two courtyard areas; one of around 6 sqm and one of around 3 sqm. Policy 7D of the DPD sets out that a minimum of 5 sqm of private outdoor space must be provided for 1 – 2 person dwellings. This is supported by Policy D6 of the London Plan which sets the same standard. The

proposal would be in excess of this. However, the proposed courtyard areas would be extremely enclosed and the resultant outlook would be poor. Those utilising the outdoor spaces would experience an oppressive sense of enclosure. Though landscaping could be used to enhance the appearance of the courtyards this would further limit the amount of usable space and would not be sufficient to mitigate the harm I have identified. In my view, the proposed external space would provide a substandard level of amenity for the occupant of the property.

14. The appeal site is reasonably close to an area of public open space. However, the existence of such spaces does not overcome the requirement for an area of high quality, usable, private amenity space within the property itself.
15. The proposed dwelling would benefit from a number of rooflights, a large front window and clerestorey windows which would ensure that appropriate levels of natural light would reach the habitable space. However, the outlook from inside the property would also be extremely limited.
16. The large front window would directly address the street and, in the interests of privacy, an opaque glazed louvre would cover a large portion of the window, opening up to transparent glass once it had reached approximately head height. The outlook from this window would thus be significantly restricted at eye level. This would be further compounded by the proposed evergreen privacy planting which would occupy the space immediately in front of this window.
17. Other windows within the property would look onto the proposed courtyard areas. The courtyards would be small and views into them would be terminated by the enclosing walls. Overall, views towards the “outside” would not be possible at eye level and the low quality outlook would result in an uncomfortable sense of enclosure for those living within the property. As such, I consider that the proposed dwelling would have an inadequate outlook and would not provide satisfactory living conditions for future occupiers in this regard.
18. I note that the internal space would exceed the required space standards for a 1 bedroom, 1 person dwelling. However, the additional provision of internal space would not be sufficient to mitigate the shortcomings I have identified in other respects.
19. Consequently, I consider that the proposal would fail to provide satisfactory living conditions for future residents with particular regard to outlook and amenity space. The proposal would, therefore, conflict with Policies 7B and 7D of the DPD. Amongst other things these policies set out that new development must achieve a high standard of amenity for users and state that the required amount of private garden space must be fit for purpose. The proposal would also fail to comply with Policy D6 of the London Plan which states that housing development should be of high quality design and is clear that private outside space should offer good amenity and have a balance of openness and protection appropriate for its outlook and orientation.

Other Matters

20. The addition of a new dwelling in a sustainable location which would contribute towards the housing supply in the area would be a benefit of the scheme. I also acknowledge the economic benefits of engaging local professionals, trades and suppliers and the ongoing benefit of the occupier of the proposed dwelling utilising

local facilities. These benefits are, however, limited by the small scale of the proposal and must be considered in that context.

21. I also accept that the proposal would meet or exceed the requirements of other policies within the adopted development plan for the area, such as those relating to carbon emissions. These positive elements of the scheme would not, however, be sufficient to overcome the harm I have identified above.
22. I have given careful regard to all of the above considerations. However, none are sufficient to dissuade me from the conclusions I have reached that the proposal would cause harm to the character and appearance of the area and would fail to provide a satisfactory standard of living conditions for future occupiers.

Conclusion

23. For the reasons set out above, the proposal is contrary to the development plan. There are no material considerations that indicate that permission should be granted. Therefore, taking all other matters raised into account, the appeal is dismissed.

L J O'Brien

INSPECTOR

