



Appeal Decision

Site visit made on 27 March 2025

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th May 2025

Appeal Ref: APP/A5270/W/24/3349918

1 Northfield Road, West Ealing, London W13 9SY

- 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 Pal Singh of SEP Properties Ltd against the decision of the Council of the London Borough of Ealing.
- The application reference is 240494FUL.
- The development proposed is the demolition of the existing ground floor retail shop and first-floor one-bedroom flat, and the construction of a four-storey building with a new ground-floor retail space and five residential units above.

Decision

1. The appeal is dismissed.

Preliminary and Procedural Matters

2. In October 2022, planning permission was granted for a development of the appeal site described as “construction of a three-storey building with ground floor retail shop (Use Class E(a)) and four (4) self-contained flats above, following demolition of existing building” (LPA Ref: 213848FUL). I refer to this (“the October 2022 permission”) at relevant points of my reasons below.
3. During the appeal, the appellant submitted a revised elevations and floorplans drawing¹. This did not represent an amendment to the scheme, the only changes being the inclusion of annotations which were not present in the previous version. I have therefore had regard to it in determining the appeal.
4. On 12 December 2024 the Government published a revised National Planning Policy Framework (“the Framework”), replacing the December 2023 version extant at the time the Council determined the planning application. The provisions most relevant for determining this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework; I am satisfied that no party’s interests have been prejudiced by my taking this approach. Where I have referred to the Framework, paragraph numbering is that of the December 2024 version.
5. The planning application consultation and the notification of this appeal prompted a large number of responses from interested parties, mostly objecting to the proposed development on a range of grounds. While the issue of amenity space for future occupiers of the development was not referred to in the Council’s reasons for refusal, it was raised in comments by interested parties to which the appellant has responded. I consider it to be a significant matter in this appeal, and have therefore included it within the scope of the second main issue.

¹ Drawing P203 Revision C – Proposed Plans and Elevations.

Main Issues

6. The main issues are:

- The effect of the proposed development on the character and appearance of the area; and
- Whether the development would provide acceptable living conditions for future occupiers, with particular regard to daylight and sunlight, internal living space, and private amenity space.

Reasons

Character and appearance

7. This appeal concerns a two-storey building on a site at the corner of Northfield Road and Northfield Avenue, with a shop unit on the ground floor (though this was not trading at the time of my site visit) and a self-contained flat above. It is within the Northfield Neighbourhood Centre, a mixed residential and commercial area extending along Northfield Avenue. The building on the appeal site is not listed (statutorily or locally), and the site is not within a conservation area.
8. The neighbourhood centre is predominantly characterised by two-storey terraced buildings, although a small number of buildings or blocks along Northfield Avenue have three or more floors. The eastern side of Northfield Avenue closest to the appeal site is dominated by two-storey terraced housing; there are commercial premises with residential properties above in the blocks on the western side of the road, though in other parts of the centre the commercial uses extend along both sides of the road. The side streets running off Northfield Avenue are predominantly residential, with those closest to the appeal site (including Northfield Road) being characterised by terraces generally of a more modest scale than those on Northfield Avenue.
9. The proposed development is the demolition of the existing building on the appeal site, and the erection of a four-storey commercial and residential building. There would be a shop unit on the ground floor, extending along the entirety of the Northfield Avenue frontage. The five flats would be entered via a communal hall and stairway from Northfield Road; there would be a studio flat and a two-bedroom flat on each of the first and second floors, and one two-bedroom flat on the third floor.
10. I acknowledge that some interested parties object to the loss of the existing building on the appeal site and its replacement with a modern structure. Having already granted the October 2022 permission the Council acknowledged that it considered the principle of redeveloping the site to be acceptable. It also noted that the external appearance of the ground, first and second floors would be the same as those allowed by the October 2022 planning permission, and it therefore also considered those elements of this appeal scheme to be acceptable in terms of their effect on the streetscene. In both of those respects the October 2022 permission would represent a realistic fallback position for the appellant, and the Council was correct to take the approach it did.
11. I have therefore also limited my consideration of matters of character and appearance in this appeal to the impact of the proposed third floor. This would be

the only significant external difference between this scheme and that allowed by the October 2022 permission.

12. The appellant has described the proposed third floor as “a modest extension to the approved scheme, featuring a new mansard roof”. As a simple vertical-sided and flat-topped addition, the third floor would not be a mansard as it is usually understood², although even so it would not be out of keeping with the rest of the proposed building which would as a whole have simple, and rather boxy, lines.
13. The third floor would be set back from the edge of the principal elevations to Northfield Avenue and Northfield Road, and this would prevent it being a dominant feature in close views from street level. However, it would be built right up to the edges of the site adjoining No 20 Northfield Avenue and No 3 Northfield Road, and the appeal building would be much taller than the neighbouring blocks on these northern and western sides. In medium- and long-range views south along Northfield Avenue and eastwards along Northfield Road the massing of the appeal building would visually dominate, and be at odds with, its immediate surroundings. Its boxy form when viewed above its pitched-roofed neighbours would give additional emphasis to this stark contrast, especially on Northfield Road given the relatively modest scale of the terraces of dwellings on that street.
14. It was suggested in the Planning Statement submitted as part of the planning application that “the mansard roof extension [would align] with the fenestration of the building below”. A glance at the submitted drawings shows that this is not the case; no more than two of the eleven windows on the third floor would be aligned with a window on the floor below, and of these it appears that only one would match its width. This detailing would make the third storey appear as a disjointed and discordant addition to the building, rather than an integral part of a thoughtfully-designed scheme; this would be an unacceptable failing for what would be an entirely new-build development.
15. The appellant has drawn my attention to three other developments granted planning permission in the wider area: at 101-109 Northfield Avenue, 162 Uxbridge Road, and at Peterden House on Leighton Road. I have been provided with very limited information about those other developments, but was able to view all three sites during my visit (albeit that in the case of Uxbridge Road this was briefly and from a bus).
16. At 101-109 Northfield Avenue, within the same neighbourhood centre as the appeal site, permission has been granted for a four-storey mixed use scheme, with three floors of residential units above ground floor retail spaces³. Unlike the other two examples referred to this development is not yet in place, though it appears that it would add very little height to what is already a relatively prominent three-storey corner building with a tall, pitched roof. It would also not be built to full four-storey height immediately alongside its smaller terraced neighbours. These points represent significant differences to this appeal scheme.
17. At 162 Uxbridge Road, permission was granted for a five-storey mixed-use building, incorporating a double-height mansard roof above an existing three-storey building⁴. However, it was evident even from my brief viewing of the area

² The dictionary I have to hand as I write defines a mansard roof as “a type of roof that has a steep lower part and a less steep upper part on all four sides of a building” (*Oxford Paperback Dictionary* Third Edition (1988): Oxford University Press).

³ LPA Ref: 221777FUL

⁴ LPA Ref: 185959FUL

that it is in a larger and busier centre than Northfield Avenue, and I could see that there are numerous buildings with three, four or more floors along the main road both east and west of No 162. The context for that site is therefore very different to that in this appeal.

18. Peterden House⁵ is a part three- and part four-storey mixed use building, some 86m or so north of the appeal site. I saw that the four-storey part extends over only around a half – perhaps even slightly less – of the whole building, at a reasonably prominent street corner. The building steps down to three-storeys towards its southern end so that it does not overwhelm or dominate its neighbours, and indeed it appears from the drawing extract provided by the appellant that that part is not as tall as the adjacent block at Nos 2 to 10 Northfield Avenue. Its relationship with Leighton Avenue is slightly less sympathetic; the third floor is built right up to the boundary with the two-storey terraced house at No 1, so that Peterden House presents something of a dominant “cliff edge” when viewed from that street. However, because of the more sympathetic relationship on Northfield Avenue, any harm which might have arisen is considerably less than would be the case with this appeal scheme. None of these other examples therefore carries significant weight in favour of the proposal before me.
19. As I have already explained, and although it was not described by them as such, the existing planning permission represents a fallback position for the appellant. However, for the reasons I have set out in paragraphs 12 and 14 above, I consider that the proposed third floor means the appeal scheme would cause harm to the character and appearance of the area that would not arise as a result of the October 2022 permission being carried out. The fallback position does not therefore weigh in favour of the appeal scheme.
20. Because of the height, bulk, massing and detailing of the proposed development, I conclude that it would cause significant harm to the character and appearance of the area. There would therefore be conflict with Policy 7.4 of the 2013 Ealing Development Management DPD (“the DM DPD”), and with Policy D4 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development exhibits a high standard of design, including by complementing existing local character in respect of building patterns, scale and detailing.

Living conditions

Internal space; daylight and sunlight

21. Policy D6 of the London Plan 2021 applies space standards for residential development which reflect the Nationally Described Space Standard (“the standard” or “the NDSS”)⁶. Flats 1 and 3 (on the first and second floors respectively) would be two-bedroom, three-person units, each with a gross internal area (“GIA”) of 61m². Flats 2 and 4 (again, on the first and second floors respectively) would be studio flats for one person; each would have a GIA of 37m². Flat 5, on the third floor, would be a two-bedroom, four-person unit; it would have a GIA of 70m². In these respects, all five flats would comply with the space standard.

⁵ LPA Ref: 170176FUL

⁶ *Technical housing standards – nationally described space standard*, Department for Communities and Local Government 2015

22. Policy D6 and the NDSS set further specific space requirements; including that a single bedroom should have a floor area of at least 7.5m² and be at least 2.15m wide, that any dwelling with two or more bedspaces should have at least one double or twin bedroom, that a double or twin bedroom should have a floor area of at least 11.5m², and that one double or twin bedroom in each unit should be at least 2.75m wide. The standard also addresses storage space and ceiling heights. The Council noted that Flat 5 would comply with these detailed requirements, but in respect of the other four units it considered that, “as the [submitted drawing showing] flats 1 to 4 does not include annotations specifying the use of each room [...] it was not possible to confirm if the flats 1 to 4 are in compliance with the Policy D6 of the London Plan 2021”.
23. On my reading, it is fairly clear from paragraphs 4.2 and 4.3 of the submitted planning statement that the first and second floors of this proposed development would be the same as those allowed by the October 2022 permission. I acknowledge that each planning application needs to be assessed on its own merits against current policies and standards, and that strictly speaking the Council could not therefore assume that the development would exactly follow the room uses set out in the extant permission. At the same time, it would, or could, have been a very quick matter to resolve while the application was being determined. In any event though, the annotated drawings submitted during the appeal show that, internally, all five flats would comply with the requirements of the space standard. None would meet the larger “best practice” standards set out in the Mayor of London’s guidance⁷ but, however desirable, those standards are advisory and a failure to meet them would not in itself justify a refusal of planning permission.
24. The decision notice also referred to a possible lack of adequate daylight and sunlight within Flats 1 to 4. The reasons for that are not clear from the Council’s officer report and were not explained to me further during the appeal; my assumption must therefore be that the question of annotation described in the previous two paragraphs was also in play here. The daylight and sunlight assessment submitted by the appellant during the appeal⁸ was limited to considering the potential impacts of the appeal scheme on neighbouring properties, rather than assessing the proposed flats internally. Again though, flats 1 to 4 would be the same as approved by the October 2022 permission; all four would be dual-aspect, and habitable rooms would have (generally large) windows on elevations facing approximately east or south. There is therefore no substantive evidence before me to indicate that the flats in the development would not receive adequate daylight and sunlight.

Amenity space

25. Policy 7D of the DM DPD and Policy D6 of the London Plan 2021 also apply standards for private outside space; they require the provision of a minimum of 5m² for one and two person dwellings, with an additional 1m² for each additional occupant. While Flats 1 to 4 would each have a balcony and would meet this standard, Flat 5 would have no private amenity space. The supporting text to Policy 7D of the DM DPD indicates that there should also be a provision of communal space “of a sufficient size to accommodate the need for recreation and

⁷ London Plan Guidance – Housing Design Standards, June 2023

⁸

landscaping”, though it recognises that such provision should respond to the physical context, including local character, pattern of building, and urban grain, around the site.

26. The submitted planning statement noted that Lammas Park is close to the site; during my visit I found it to be a walk of 6 or 7 minutes along Northfield Avenue between the park and the appeal site. While Lammas Park is near enough that it would meet some of the leisure and amenity needs of future residents of the development, as a public space it would not meet occupiers’ needs in the same way as would a private or semi-private amenity space – it is unlikely, for example, that a resident would take a wet coat to the park to air off, or go there to sit down for a few minutes with a cup of tea, in the way which they might with on-site amenity space.
27. There would be no communal outside amenity space for occupiers of the development. The Council’s officer report indicated that there is no scope for communal amenity within the space, and I accept that, not least because in this respect the October 2022 permission (which does not include any communal space) is once again a fallback position for the appellant. However, as I have already described, Flats 1 to 4 (which would be allowed by the extant permission) would all have their own private amenity space. The Council’s officer report dealt with the absence of private amenity space for Flat 5 by stating that “on balance this level of provision could be considered acceptable”. In response to comments made by interested parties during the appeal, the appellant simply referred back to the Council’s conclusion on the point in its officer report.
28. Respectfully, I do not consider that either the Council or the appellant have adequately justified a zero provision of amenity space for Flat 5. This would not comply with the requirements of the development plan, and it would be demonstrably worse than the fallback position. In my view this is a significant shortcoming of the appeal scheme, not least because Flat 5 would be the largest unit in the scheme with the greatest potential occupancy (possibly at times including families with children), and it would therefore also be likely to have the greatest need for some form of private outdoor space.

Findings on this main issue

29. The proposed development would be acceptable in terms of internal space, and daylight and sunlight. However, Flat 5 would not offer future occupiers access to any on-site amenity space, whether private or shared. As such, I conclude that the development would not provide adequate living conditions for all future occupiers.
30. There would therefore be conflict with Policies 7B and 7D of the DM DPD, and with Policies D3, D4 and D6 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development is well-designed so that it provides a high standard of amenity, and that all housing development provides adequate amenity space for all residents. I find no conflict on this issue with Policy 7A of the DM DPD, which specifically addresses matters relating to emissions, though this does not negate the other conflict with the development plan which I have found.

Other Matters

31. The appeal site is in an area with good public transport connectivity and within a controlled parking zone (“CPZ”), and the proposed development is intended to be car-free in line with the requirements of Policy T6 of the London Plan 2021. During the appeal, the appellant stated their intention to prepare a planning obligation under section 106 of the Act to prevent future occupants securing CPZ parking permits. While the appellant submitted a draft s106 agreement during the appeal, it was incomplete – among other things, it was not signed or dated. As I am dismissing the appeal for other reasons it has not been necessary for me to consider this matter in further detail.
32. Matters raised by interested parties in response to the original planning application consultation and the appeal notification have, to the extent that they are material, been addressed in my consideration of the main issues above.

Planning Balance and Conclusion

33. The appeal proposal would provide five new dwellings (a net gain of four over the existing provision on the site), in a location which is close to a range of shops and services within the Northfield Neighbourhood Centre, and well-connected by accessible means of travel to other facilities in the wider area. Given that there is already permission for four new dwellings on the site under the October 2022 permission, I consider that this net increase in housing provision is a benefit which carries moderate weight in favour of the scheme.
34. However, the development would cause significant harm to the character and appearance of the area, and occupiers of the one additional dwelling which would be provided over the extant planning permission would not have access to any on-site amenity space, private or otherwise. These are matters which carry considerable weight, and in my view the harm arising would outweigh the benefits associated with the scheme. As a result, the proposal would conflict with the development plan taken as a whole, and there are no other considerations, including the Framework, that outweigh this conflict.
35. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector