



Appeal Decision

Site visit made on 9 September 2025

by **C Livingstone MA(SocSci) (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30th September 2025

Appeal Ref: APP/A5270/W/25/3367712

Land Rear Of 1 Elm Grove Road, Ealing, W5 3JH

- 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 Mark Dhokia against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 251023FUL.
 - The development proposed is described as 'new build bungalow at rear of 1 Elm Grove Road, London.'
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide suitable living conditions for future and neighbouring occupants with regard to privacy and future occupants with regard to internal living space; and
 - whether the development would be suitable in regard to parking provision.

Reasons

Living conditions

3. The appeal site is located on the site of a block of detached garages to the rear of 1 Elm Grove Road. The surrounding area is primarily residential, and the site is bound on all sides by the garden ground of neighbouring dwellings and the side boundary of the properties on either side is marked by high timber fencing. The proposal is for the erection of a detached 3-bedroom, 5-person dwelling with accommodation provided over 2 floors. The scheme includes parking provision for two cars, as well as additional landscaping on part of the site boundary.
4. The lower floor of the dwelling would be largely below ground level. This, as well as a flat roof, would result in a dwelling that is lower than the surrounding neighbouring dwellings. The main parties dispute the height of the proposed dwelling. The Council state that it would be 5m above ground level, while the appellant states that it would be 4.95m high. In either case the height of the resultant dwelling would be significantly higher than the boundary of the neighbouring properties.
5. The proposed design is such that the upper floor windows would be angled in relation to neighbouring dwellings. This arrangement would restrict direct

overlooking between windows. However, it would allow views, from the main living area of the dwelling, over the private rear gardens of the neighbouring properties on either side and to the rear. As the proposed dwelling would be higher than the boundary fence it would not be sufficient to mitigate mutual overlooking between future occupants within the dwelling and neighbouring occupants when using their gardens. The position of the proposed dwelling close to the boundary of neighbouring properties is such that the resultant overlooking would have a harmful effect on the privacy of future and neighbouring occupants.

6. I note that outline planning permission was previously granted on the appeal site for the construction of a single family dwellinghouse¹. Full details of this permission have not been provided. Nonetheless, any plans included as part of this application would have been indicative at that stage. As such, the previous grant of outline permission does not set a precedent for the design of the dwelling proposed as part of the appeal before me.
7. There is disagreement between the main parties regarding the internal floor area of the proposed dwelling. The Council state that it would have a floor area of 89 sqm and the appellant states that the building would have an internal floor area of 111.14 sqm.
8. Policy D6 of the London Plan 2021 (LonP) sets out that as a minimum a 3-bedroom, 5-person dwelling over 2 storeys should have a Gross Internal Area (GIA) of 93 square metres. The GIA of a dwelling is defined within the LonP as 'the total floor space measured between the internal faces of perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above stairs.' Based on the submitted plans the proposed garage would have a floor area of approximately 20.4sqm. The entire GIA of the dwelling is not clearly annotated on the proposed plans. Further, there is no clear policy view on whether garage areas should be counted as part of the internal floor area. However, this area is a material consideration in my assessment as such areas often serve as storage spaces as well as parking provision.
9. Based on the proposed plans it is not clear that the GIA of the proposed dwelling would equal 89sqm. However, even if I accepted the Council's figures, given the storage provided and the small shortfall against the requirement of 93sqm it would not result in such a detrimental impact on the living conditions in this instance.
10. On balance I find that the proposed dwelling would provide suitable living conditions for future occupants with regard to internal living space. Still, for the reasons detailed above the proposed development would fail to provide suitable living conditions for future and neighbouring occupants with regard to privacy. Therefore, the proposal would conflict with Policy 7B of the Ealing Development Management Development Plan Document (DPD) and Policies D3, D4, D6 and D14 of the LonP when read together these policies seek to ensure that new development achieves a high standard of amenity for future and adjacent users by ensuring good levels of privacy and maximise the usability of outside amenity space.
11. Policies 7.4, 7A and 7D of the DPD relate to the effect of development on local character, the management of emissions and the protection of open space.

¹ 170225OUT

Policies H9, D1, D4 and D14 relate to ensuring the best use of housing stock, defining an area's capacity for growth, delivering good design and noise management. As such, all of these policies are not determinative in my assessment of the living conditions of future and neighbouring occupants in regard to privacy and internal space standards.

Parking

12. The application site is within a controlled parking zone (CPZ), which is indicative of a level of parking stress as existing.
13. Whilst future occupants may not be dependent on private cars for day-to-day transport requirements, they might want to own and park vehicles for those journeys that are not possible or practical on public transport. This would exacerbate the level of parking stress in the area and encourage travel by private car which has a detrimental impact on air quality, personal health, wellbeing and the environment.
14. In light of these impacts, Policy T6 of the LonP requires that car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity. The Council state that in this instance the maximum number of residential parking spaces would be 1.5 spaces per dwelling, as defined within table 10.3 of the LonP. In this instance the proposed scheme would include parking spaces for two cars. However, there is no evidence before me to justify additional parking provision in this instance.
15. Therefore, the proposal would be unsuitable with regard to parking provision. As such, the proposal fails to comply with the requirements of Policy T6 of the LonP which seeks to carefully control new parking provision in London.

Other Matters

16. I note a representation supporting the principle of housing development on the appeal site. I note that the council raises no concerns in this regard, and I have no reason to disagree.
17. The appellant asserts that the Council officer was not aware of a previous grant of outline planning permission for a dwelling at the appeal site². However, this permission was listed within the site history section of the report.
18. My attention has been drawn to several examples of housing developments that were approved by the Council, this included single dwellings as well as a residential block with a basement. Full details of these developments have not been provided, as such I cannot be certain that the circumstances in those instances are the same as those before me.
19. The proposal would provide an additional housing unit, in a suitable location where there is an identified need. This would maximise the use of the site and make a modest contribution to the housing supply in the area. In so doing, the proposal would support the aims of The National Planning Policy Framework and the LonP, which amongst other things, set housing targets and encourages the development of small sites in order to meet London's housing needs. There would also be associated economic benefits during construction.

²Reference 170225OUT

Conclusion

20. I have found that given the material considerations before me the proposed dwelling would provide future occupants with sufficient internal floor space, an absence of harm in this respect is a neutral factor weighing neither for nor against the development. Still, I have found the appeal scheme would fail to provide acceptable living conditions for future and neighbouring occupants in regard to privacy and would fail to support sustainable modes of transport with regard to parking provision. The adverse effects in these respects are considerable and outweigh the benefits detailed above.
21. The proposal would conflict with the development plan. This conflict is not outweighed by other considerations. Therefore, the appeal is dismissed.

C Livingstone

INSPECTOR