



Appeal Decision

Site visit made on 7 January 2026

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28th January 2026

Appeal Ref: APP/A5270/W/25/3375288

45b Manor Road, West Ealing, Ealing, W13 0JA

- 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 Jay Patel of Nirvana Homes Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 252260FUL.
 - The development proposed is the construction of a residential building to create 2 x one person 1 bedroom studio flats on lower ground and upper ground floors; associated refuse and cycle storage (following demolition of existing one storey building partially complete).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the future occupiers, with regard to private amenity space and floor to ceiling height;
 - the effect of the proposal on the living conditions of existing occupiers of Drayton Avenue, with regard to sunlight and outlook;
 - whether the proposal would make adequate provision for carbon reduction; and
 - whether adequate cycle storage would be provided.

Reasons

Character and appearance

3. The appeal site accommodates a single storey detached building at the end of Manor Road, a predominantly residential street that is characterised by largely uniform terraces of traditional design set back from the road, which creates a harmonious rhythm to the built form. The opposite side of Manor Road features commercial buildings and railway lines. To the north of the site are the rear gardens of the traditional terraced properties that front Drayton Avenue and to the east is the outdoor amenity space associated with a more modern infill development. These open areas in combination with the single storey appeal property contributes to an element of spaciousness in an otherwise dense urban locality which contributes positively to the character and appearance of the area.

4. The proposal would not reflect the scale and mass of its immediate locality resulting in a visually discordant addition to the street scene due to its increased height and resultant bulk at the edge of the pavement. Despite the relatively modest increase in height, the proposal would stand out as being visually incongruous, eroding a small but nevertheless harmful element of spaciousness in this section of Manor Road. The scale of the proposal in combination with its siting with no set back from the pavement would result in a dominant development that does not reflect the prevailing pattern of development in its immediate surroundings and the sequence of surrounding street frontages of the terraces along Manor Road.
5. The proposal would fill the plot almost entirely and the proposed landscaping including planter boxes would not mitigate the harm identified. Even with a green roof for visual interest, the proposal would be a discordant addition with a poor degree of integration with its setting. This visual intrusion would be seen on approach to the site in either direction from Manor Road, and in views from the properties and rear gardens of Drayton Avenue.
6. There are tall buildings further away from the appeal site, however they would not readily be seen with the appeal scheme and do not form part of its immediate setting. As such, the presence of taller buildings in the wider area does not indicate that the proposal would sit comfortably at the appeal site. Nor does the development at the corner of Manor Road and Drayton Avenue provide justification for the proposal, which although of a generous scale directly at the pavement edge, is on a prominent corner plot where different scale and design can generally be accommodated to provide a legible hierarchy of buildings. The appeal site is different, located at the end of Manor Road where the proposed increase in scale and massing would detract from the characteristic open qualities of this section of the street and in doing so would not respond positively to its immediate context.
7. My attention has also been drawn to several other apparently similar residential schemes in the surrounding area. However, the contexts of the other examples differ in overall appearance, scale and relationship with the street scene and are not directly comparable. In any event, I have considered this appeal proposal on its own merits. The proposal would have a similar footprint to the existing building, making an efficient use of what is said to be an underutilised site, and would have a materials palette that would complement the surrounding development. Nevertheless, the proposal would not meet the provisions of the National Planning Policy Framework (the Framework) that seek well designed places.
8. To conclude on this main issue, the proposal would be unduly harmful to the character and appearance of the area and would be in conflict with Policy D4 of the London Plan (2021) (LP) and Policies 7.4 and 7B of the Development Management Development Plan Document (2013) (DMDPD). These policies include a requirement for development to deliver good design, that complements local character and has a positive visual impact, taking account of street sequence, building pattern and scale. The Council also refer to LP Policy D5 which relates to inclusive design, However, my attention has not been drawn to any wording in this policy that the proposal would conflict with and so it has not been determinative.

Living conditions – future occupiers

9. It is not disputed that the proposal would meet the numerical requirements for outdoor amenity space in line with LP Policy D6 and DMDPD Policy 7D and so it

differs from the scheme in the wider area¹ where permission was granted despite the amenity space falling short of the required space standards. As well as providing sufficient space, care should also be taken to ensure the space is of a high quality and offers good amenity.

10. The amount of sunlight received in the garden area at Flat 1 would not meet the Building Research Establishment (BRE) guidance, with none of the proposed area receiving 2 hours of direct sunlight on 21 March. The spring equinox date of 21 March provides a consistent baseline for evaluating sunlight allowing for seasonal change. On this basis, and even if there would be increased sunlight exposure in the summer months, overall, the amount of sunlight the outdoor amenity space would receive would make it a largely uninviting space, indicative of the dominant development at the site arising from the proposal's scale and form. It would not offer sufficient sunlight for wellbeing and so would fail to offer good amenity, limiting how the amenity space could be used and what activities could take place.
11. While the BRE guidance provides advisory standards, no other standards or methods to assess the appropriateness of sunlight have been put to me. The area may well receive year-round daylight, however daylight and sunlight are not the same and so this does not lead me away from my above findings. Nor does any policy compliance in relation to privacy negate the requirement for outdoor space to have good amenity. I note the proposal is a short distance from a local park, however, it has not been shown how this would be a suitable substitute for the amenity space required by policy or provide the same function.
12. The appellant's submissions include a sectional drawing showing that the floor to ceiling height in both flats would be 2.5 metres in accordance with the requirement set out in LP Policy D6. Therefore, the internal accommodation would be of an adequate quality in terms of daylight penetration, ventilation and cooling, and sense of space.
13. In conclusion, the proposal would have an unacceptable effect on the living conditions of the future occupiers, with regard to private amenity space and would be in conflict with LP Policy D6 and DMDPD Policies 3.5, 7B and 7D. Amongst other things, these policies require residential development to maximise the usability of outside amenity space, with outdoor environments that are comfortable and inviting for people to use.

Living conditions – existing occupiers

14. The External Daylight, Sunlight and Overshadowing Study/Assessment (2025) highlights that BRE guidance advises that in assessing probable sunlight hours, to be considered well-lit, windows should continue to receive in excess of 80% of their pre-development value, or, 25% of available hours over a year/5% of hours in Winter. As the numerical results show, all relevant window receptors would meet the above test for recommended levels of sunlight and so no harm would arise to the living conditions of the neighbouring occupiers in this regard.
15. The proposal would be clearly visible above the existing boundary treatment on the shared boundary, resulting in a visual change for the nearest neighbouring occupiers. Nevertheless, the existing outlook from their rear facing ground floor windows and garden areas is relatively narrow looking as it does onto the boundary

¹ Ref 216422FUL

treatment and outbuilding above it. Despite the proposal marginally encroaching on the 25-degree line for No 83, the sloping roof would minimise the bulk of the increased height of the proposal and taking account of the existing situation the proposal would not have an overbearing effect. It therefore follows that it would not significantly diminish the levels of outlook that could reasonably be expected.

16. To conclude, overall, the proposal would not be harmful to the living conditions of existing occupiers of Drayton Avenue, with regard to sunlight and outlook. It would be in accordance with LP policy D6 and DMDPD Policy 7B insofar as they require housing development to provide sufficient sunlight to surrounding housing and to achieve a high standard of amenity for adjacent users.

Carbon reduction

17. LP Policy SI1 requires development to maximise on-site regulation carbon reduction through the implementation of the energy hierarchy to achieve at least 35% reduction in carbon. DMDPD Policy 5.2 requires new development to demonstrate substantial reduction in carbon to contribute to the borough's transition towards zero carbon. Taking account of the appellant's Energy and Sustainability Statement (2025), the proposal would follow the energy hierarchy as required by the LP, achieving a substantial on-site carbon reduction through passive design and energy efficient solutions to minimise energy demand on-site and reducing the overall emissions of the development through the use of renewable and low carbon technologies. It would also incorporate sustainable design and construction measures.
18. I therefore conclude that the proposal would make adequate provision for carbon reduction and would accord with LP Policy SI1 and DMDPD Policy 5.2.

Cycle storage

19. The proposal would provide two cycle parking spaces as required by LP Policy T5, however the Council has concerns that the spaces would not be fit for purpose on account of the limited dimensions of the spaces. Nevertheless, I have not been presented with any guidance on how cycle parking should be designed or laid out. Furthermore, the appellant indicates that the Council has previously accepted cycle parking provision with narrower dimensions than the appeal scheme and where multiple bikes would be parked.
20. The spaces would be secure and conveniently located for the future occupiers of each flat. While the spaces are modest in size, as shown on the refuse and cycle store access details plan 2444.P07, I see no clear reason why the spaces would not allow ease of use given that only one cycle would be stored at a time at each parking area. As such, there would not be the requirement for more extensive manoeuvrability and circulation space, as may be the case in situations where there would be several bikes being stored next to each other.
21. In conclusion, the proposal would provide adequate cycle storage and would accord with LP Policy T5, which, amongst other things, requires development to have an appropriate level of cycle parking that is fit for purpose and well located.

Other Considerations

22. The principle of residential development at the site in an accessible location is not in dispute and there is considerable support for boosting the supply of housing. The

proposed development would make a positive contribution to the supply of housing in the area on a small windfall site that the Framework recognises are often built out relatively quickly. Furthermore, the delivery of studio flats is said to meet an identified need in the Borough. Taking account of the scale of the proposal, this benefit attracts limited positive weight.

23. There are also likely to be modest, time-limited employment benefits from the construction stage and some limited economic benefits arising from expenditure by future occupiers, although there is limited guarantee of the extent to which this would be directed to local businesses or services. These economic benefits attract limited positive weight.
24. There are no concerns regarding the effect of the proposal on the privacy of neighbouring occupiers but this, and any other policy compliance would be a neutral factor weighing neither for nor against the proposal. While the appellant has expressed frustrations with the Council's handling of the case this does not affect my consideration of the scheme's planning merits.
25. The creation of high-quality places is fundamental to what the planning and development process should achieve and as explained above, that would not be the case for the appeal scheme. Significant negative weight is given to the conflict with the development plan identified under the main issues.
26. Even if I were to conclude there is a shortfall in the five-year housing land supply to the extent argued by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits and so the presumption in favour of sustainable development set out at Framework paragraph 11 d would not apply.

Conclusion

27. The proposal would make adequate provision for carbon reduction and cycle storage and would not be harmful to the living conditions of neighbouring occupiers. However, my above findings in relation to character and appearance and the living conditions of the future occupiers bring the proposal into conflict with the development plan, read as a whole. There are no material considerations, including the Framework, that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR