

**Ref :** PP/2014/6544

**Address:** Land to the rear of Peacehaven, 3 Creswick Road, Acton W3 9HE

**Ward:** Acton Central

**Proposal:** Construction of a two storey residential building with accommodation in the roofspace comprising two x three bedroom dwellings including on site car parking, amenity space, refuse storage, removal of existing vehicular access and provision of a vehicular access for each dwelling

**Drawing numbers:** 214021/001, 214021/010, 214021/030, 214021/031, 214021/032, 214021/033, 214021/110, 214021/120, 214021/121, 214021/130, 214021/131, 214021/132, 214021/133, 214021/134.

**KKM Architects Design & Access Statement dated November 2014, Savills Covering Letter / Planning Statement dated 10<sup>th</sup> December 2014, Daylight & Sunlight Study dated 10<sup>th</sup> April 2015 and The Tree and Woodland Company Arboricultural Impact Assessment dated November 2014**

**Type of Application:** Full Application

**Application Received:** 24/12/2014 **Revised:** N/A

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**Report by:** Emma Lewis

**Recommendation:** Grant subject to conditions

**Executive Summary:**

Planning permission is sought for the construction of a two storey building with accommodation in the roofspace to provide a total of 2 self-contained residential units with associated car parking, amenity space, cycle and bin storage. The application site is located to the rear of 'Peacehaven' on the corner of Creswick Road and Pierrepont Road, Acton. Peacehaven is a Locally Listed Building.

This application has been submitted in response to a recent dismissed appeal (APP/A5270/A/13/2202542) following the refusal of a previous application for residential development on this site under planning application reference PP/2013/01111. The appeal was dismissed on the grounds of inappropriate design and detrimental impact on 7 Pierrepont Road. It is considered that the current scheme overcomes the reasons for dismissal in this appeal.

Twelve (12) objections including one from the Creffield Area Residents Association (seven of these from the one property) have been received in relation to the development. The objections raise concerns that principally relate to residential amenity impacts on adjoining development, garden grabbing and the current use of Peacehaven.

The proposal would be positioned adjacent to a locally listed building in a residential area and within a sustainable location that is predominantly residential in character that is suitable for residential redevelopment and would make a valuable contribution to the housing stock within the borough.

The external design of the building would make reference to local distinctiveness in the surrounding environment through the use of similar materials and the design of the building would be similar in design and proportions to the local vernacular.

The overall impact on the development on the locally listed building has been fully assessed and the conclusion is that the overall impact would not be significant in accordance with Section 12 of the National Planning Policy Framework.

The proposal would have a minimal impact on the amenity of neighbouring occupiers. The scheme would provide good living conditions for future residents in terms of the internal floorspace and layout. The on-site outdoor amenity space provision would be acceptable and would provide a high quality environment for prospective occupiers.

A number of trees would be removed from the site to facilitate the development, however, a condition is recommended to secure replacement tree planting on site.

It is considered that the proposal is on balance would accord with the aims of the relevant policies of the Ealing Development Management Development Plan 2013, Ealing Core Strategy (2012), The London Plan (2015), relevant Supplementary Planning Guidance and the National Planning Policy Framework (2012). It is therefore recommended that planning permission should be approved with conditions.

**Recommendation:**

That the committee GRANT planning permission subject to the following conditions:

**Conditions/Reasons:**

*Time Limit 3 years - Full Permission*

1. The development permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In order to comply with the provisions of the Town and Country Planning Act 1990 (as amended).

*Approved Drawings*

2. The development hereby approved shall be carried out in accordance with drawing title number(s) 214021/110, 214021/120, 214021/121, 214021/130, 214021/131, 214021/132, 214021/133, 214021/134.

Reason: For the avoidance of doubt, and in the interests of proper planning.

Refuse Storage

3. Refuse and recycling storage areas indicated on drawing reference 214021/120 shall be provided and brought into use prior to the first occupation of the development permitted and retained thereafter.

Reason: To protect the living conditions of occupiers of the area and in the interests of the future occupants of the development in accordance with policies with policies 3.5 and 7B of the Ealing Development Management Plan 2013, policy 1.1(e) of the Adopted Ealing Development (Core) Strategy and The London Plan (July 2015) policy 5.16.

No Permitted Development Rights

4. Notwithstanding the provisions of Classes A, B, C, D, E and F of Schedule 2, Part 1, Class A Town and Country Planning (General Permitted Development) Order 1995, as amended by the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any other order revoking and re-enacting that order, with or without modifications), no works shall be carried out without the prior permission of the Local Planning Authority, obtained through the submission of a planning application.

Reason: To prevent the overdevelopment of the site and to safeguard the living conditions of occupiers of adjoining properties and the appearance of the streetscene, in accordance with policies 1.1 (g) and (h) of the Adopted Development (Core) Strategy, and policies 7.4 and 7.6 of the London Plan (2015) and policies Ealing Local Variation of London Plan Policy 7.4 and 7B of the Ealing Development Management Development Plan.

Samples of Materials

5. Samples of the materials to be used for the external surfaces as shown on the approved plans of the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is commenced, and this condition shall apply notwithstanding any indications as to these matters which have been given in this application. Development shall be carried out in accordance with these approved details.

Reason: To ensure that the materials harmonise with the surroundings, in accordance with policies Ealing Local Variation to London Plan Policy 7.4 and 7B of the Ealing Development Management Development Plan (2013), policies 1.1 (h) and 1.2 (g) of the adopted Local Development Framework (Core) Strategy (2012) and policies 7.4 and 7.6 of the London Plan (2015).

Parking Prior to First Occupation

6. The car parking spaces and cycle storage areas identified on the approved drawings, shall be provided on site prior to first occupation of any part of the development, and the spaces/cycle storage provision shall be kept continuously available for the life of the development and shall not be used for any other purpose.

Reason: To ensure that there is adequate provision for car parking within the site in accordance with policy 6.13 of the London Plan (2011).

Existing Trees, Shrubs and Hedges

7. No trees, shrubs or hedges within the site which are shown to be retained on the plans (Plan/Drawing:) shall be felled, uprooted, willfully damaged or destroyed, cut back in any way or removed. Any shrubs or hedges removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced with shrubs or hedge plants or similar species capable of achieving a comparable size unless the Local Planning Authority gives written consent to any variation. Any trees removed without consent or dying or being severely damaged or becoming seriously diseased within 5 years from the completion of the development hereby permitted shall be replaced in accordance with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

Reason: To secure protection of trees, shrubs and hedges growing within the site which are of amenity value to the area in accordance with policies 1.1 (e) (i) and 1.2 (d) of the adopted Local Development Framework (Core Strategy 2012), 5.10 of the Ealing Development Management Development Plan and policy 5.10 of the London Plan (2015).

Tree Protection – Demolition & Construction

8. No operations (including initial site clearance) shall commence on site in connection with development hereby approved until a suitable scheme (Arboricultural Method Statement) for the protection of existing trees, shrubs and hedgerows has been submitted to and approved in writing by the Local Planning Authority. All protection measures must fully detail each phase of the development process taking into account demolition/site clearance works, all construction works and hard and soft landscaping works. Details shall include the following:

- Full survey of all trees on site and those within influencing distance on adjacent sites in accordance with BS5837 (using the most recent revision of the standard), with tree works proposals. All trees must be plotted on a site plan (minimum scale 1:200), clearly and accurately depicting trunk locations, root protection areas and canopy spreads;
- A plan (minimum scale of 1:200) detailing all trees, shrubs, hedges planned for retention and removal;
- Soil assessments/survey and remediation plans;
- Timing and phasing of works;
- Site specific demolition and hard surface removal specifications;
- Site specific construction specifications;
- Access arrangements and car parking, level changes and landscaping proposals;
- A Tree protection plan (minimum scale of 1:200) in accordance with BS5837 (most recent revision of the standard) detailing all methods of protection, including but not restricted to: locations of construction exclusion zones, root protection areas, fit for purpose fencing and ground protection, service routes, works access space, material/machinery/waste storage and permanent & temporary hard surfaces.

All tree protection methods detailed in the approved Arboricultural Method Statement shall not be moved or removed, temporarily or otherwise, until all works including external works have been completed and all equipment, machinery and surplus materials have been removed from the site.

Reason: To secure the protection, throughout the time that the development is being carried out, of trees, shrubs and hedges growing within or adjacent to the site which are of amenity value to the area

in accordance with policies 1.1 (e) (i) and 1.2 (d) of the adopted Local Development Framework (Core Strategy 2012), 5.10 of the Ealing Development Management Development Plan and policy 5.10 of the London Plan (2015).

Tree Planting

9. No development shall commence until a detailed scheme of proposed tree planting has been submitted to and approved in writing by the Local Planning Authority. Every tree to be removed should be replaced with a new tree on site. The scheme shall include the following comprehensive details of all trees to be planted:

Full planting specification – Tree size, species and the numbers of trees; positions of all proposed species; comprehensive details of ground preparation; staking/tying method(s); and 5 year post planting maintenance schedule with an agreed inspection schedule.

All tree-planting shall be carried out in full accordance with the approved scheme in the nearest planting season (1st October to 31st March inclusive) to the completion of the approved development. The quality of all approved landscape works shall be in accordance with British Standard 4428:1989 'Code Of practice For General Landscape Operations' or any subsequent revision. All trees included within the approved scheme shall be healthy, well-formed specimens with single leading shoots and shall be of a minimum quality compatible with British Standard 3936:1992 (Part 1) 'Specifications For Trees & Shrubs' and British Standard 4043 (where applicable) or any subsequent revisions. Any trees which within a period of 5 years from the completion of all tree planting die, are removed, uprooted are significantly damaged, become diseased or malformed shall be replaced during the nearest planting season (1st October to 31st March inclusive) with others of the same size, species and quality as approved.

REASON: To ensure that the development is landscaped in the interests of the visual character and appearance of the area, in accordance with policies 1.1 (e) (i) and 1.2 (d) of the adopted Local Development Framework (Core Strategy 2012), 5.10 of the Ealing Development Management Development Plan and policy 5.10 of the London Plan (2015).

Reinstatement of Redundant Crossover

10. The applicant shall reinstate the redundant crossover to the site and provide crossovers to the site with 1.5m x 1.5m pedestrian visibility splays in accordance with the Council's 'Vehicle Crossover Guidance July 2013' before any part of the development permitted is occupied or brought into use.

REASON: In the interests of highway safety, in accordance with policies 4.1, 4.4 and 9.1 of the Adopted Ealing Unitary Development Plan, 'Plan for the Environment'(2004), Supplementary Planning Document 8 'Crossovers and Parking in Front Gardens, policies 1.1 and 1.2 of the adopted Local Development Framework (Core Strategy 2012) and policy 7.6 of the London Plan (2011).

Construction Method Statement

11. Prior to the commencement of development, a Construction Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include the following:

- Construction traffic management proposals including details of delivery routes and HGV movements and details of any temporary site access/parking;
- Details of construction hours;

- Noise mitigation and monitoring measures having regard to BS 5228-1:2009 – Code of Practice for noise /7 vibration control on construction and open sites – Part 1: Noise;
- Details of enclosure of working areas and the location of compounds for the storage of plant and materials;
- Details of temporary lighting;
- Dust suppression and monitoring measures, having regard to 'The Control of Dust and Emissions during Construction and Demolition, SPG, GLA, July 2014;
- Wheel wash measures;
- Site security during construction;
- A drainage strategy to operate setting out controls of contamination, including controls to surface water run-off, water pumping, storage of fuels and hazardous materials, spill response plans and pollution control measures; and
- Procedures for on-site contractors to deal with complaints from local residents.

The Construction Logistics Plan shall be implemented on commencement of any works on site and the site shall be managed in accordance with the approved plan for the duration of site preparation and construction.

Reason: In the interests of the amenity of adjoining occupiers and to minimise highway and traffic impact during the course of the works, in accordance with policy 7A of the Ealing Development Management Development Plan (2013), policy 1.1 (j) of the Ealing Development (Core) Strategy 2012 and policies 5.14 and 5.15 of the London Plan 2015.

Accessibility

12. The residential units hereby approved shall be constructed to the Lifetime Homes Standards.

Reason: To ensure that the development is accessible by all future occupiers/users, in accordance with policy 3.5 of the Ealing Development Management Development Plan 2013, policy 1.1(h) of the Ealing Core Strategy (2012), policies 3.8 and 7.2 of The London Plan (2015) and the National Planning Policy Framework (2012).

Secured by Design

13. The design of the building shall comply with the aims and objectives of the Secured By Design standards before the first occupation of the development, and shall be permanently retained.

Reason: To ensure that the development incorporates crime prevention measures to help prevent crime and disorder in accordance with policies 1.1 (e) of the Ealing Core Strategy (2012), policy LV 7.3 of the Ealing Development Management Development Plan Document (2013), and policy 7.3 of the London Plan (2015).

**Informatives**

1. The decision to grant planning permission has been taken having regard to the policies and proposals in the Ealing Development Management Development Plan, the Adopted Development (Core) Strategy, the London Plan and to all relevant material considerations including Supplementary Planning Guidance:

National Planning Policy Framework (March 2012):

The National Planning Policy Framework set out the Government's planning policies for England and establishes a presumption in favour of sustainable development:

6. Delivering a wide choice of quality homes
7. Requiring good design
12. Conserving and enhancing the historic environment.

London Plan – Spatial Development Strategy for Greater London (March 2015):

- 2.6 Outer London: Vision and Strategy
- 2.8 Outer London: Transport
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.15 Existing Housing
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.7 Renewable Energy
- 5.10 Urban Greening
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail and other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing Traffic Flow and Easing Congestion
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.8 Heritage Assets and Archaeology
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Supplementary Planning Guidance /Documents

Accessible London: achieving an inclusive environment  
The Mayor's Transport Strategy  
Housing

London Housing Supplementary Planning Guidance November 2012  
Sustainable Design & Construction  
The London Housing Strategy

Adopted Ealing Development (Core) Strategy (April 2012)

- 1.1 Spatial Vision for Ealing (a), (b), (d), (e), (f), (g), (h), (j), (k)
- 1.2 Delivery of the Vision for Ealing 2026 (a), (c), (d), (f), (g), (h), (k), (m)
- 2.1 Realising the Potential of the Uxbridge Road/Crossrail Corridor (a), (b), (c), (d), (e)
- 2.10 Residential Neighbourhoods
- 6.4 Planning Obligations and Legal Agreements

Ealing Development Management Development Plan Document (December 2013)

- 3.4 Ealing local variation - Optimising Housing Potential
- 3.5 Ealing local variation - Quality and Design of Housing Developments
- 5.2 Ealing local variation - Minimising Carbon Dioxide Emissions
- 6.13 Ealing local variation - Parking
- 7.3 Ealing local variation - Designing Out Crime
- 7.4 Ealing local variation -Local Character
- 7A Amenity
- 7B Design Amenity
- 7C Heritage
- 7D Open Space
- EA Presumption in Favour of Sustainable Development

Other Material Documentation – Interim Planning Policy Guidance / Documents

- SPG 3: Air Quality
- SPG 4: Refuse and Recycling
- SPG 10: Noise and Vibration
- SPG 16: Hostels
- Sustainable Transport for New Development SPD December 2013

In reaching the decision to grant permission, specific consideration was given to the impact of the proposed development on the amenities of neighbouring properties and on the character of the surrounding area as a whole. The proposal is considered acceptable on these grounds, and it is not considered that there are any other material considerations in this case that would warrant a refusal of the application.

2. To assist applicants in a positive manner, the Local Planning Authority has produced policies and written guidance, and offers and encourages a comprehensive pre-application advice service, all of which is available on the Council's website and outlined in a 24 hours automated telephone system. The scheme complied with policy and guidance. The Local Planning Authority delivered the decision proactively in accordance with requirements of the National Planning Policy Framework.

3. With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, watercourses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the



boundary. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. This is to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

4. Recent legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near to agreement is required, You can contact Thames Water on 0845 850 2777 or for more information please visit the website at [www.thameswater.co.uk](http://www.thameswater.co.uk).

5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litre/minute at the point where it leaves the Thames Water pipes. The developer should take account of this minimum pressure in the design of the development.

6. Construction and demolition works, audible beyond the boundary of the site shall only be carried on between the hours of 0800 - 1800hrs Mondays to Fridays and 0800 - 1300hrs on Saturdays and at no other times, including Sundays and Bank Holidays.

7. It is recommended that any boilers to be installed within the development be Ultra Low NOx boilers with maximum NOx Emissions of under 40 mg/kWh.

8. You are advised that the cross-over is to be constructed by the Council at the applicant's expense. The modification of the CPZ is to be undertaken by the Council at the applicant's expense. For further details please contact Highways, telephone No. 020 8825 6000 or email [highwayservices@ealing.gov.uk](mailto:highwayservices@ealing.gov.uk).

### **Site Description:**

The subject site is a broadly rectangular shaped site of approximately 2295m<sup>2</sup> located in a predominantly residential area on the corner of Creswick Road and Pierrepont Road, Acton. The site is occupied by a number of buildings, however the main building is known as 'Peacehaven', which is a Victorian three-storey Locally Listed building. A two-storey building from the same period is located to the eastern side of 'Peacehaven', and a single-storey L-shaped building is located partly along the eastern and northern boundaries behind the two-storey building.

The portion of the site that is to be developed is occupied by a disused car parking area associated with existing development on the property. There are three existing vehicle crossovers from the public highway into the site.

There are a number of significant trees located along the western boundary, which is parallel with Pierrepont Road. The site is covered by a Tree Protection Order (TPO 764).

To the northern boundary is a two-storey dwelling (with living accommodation within the roof), which has been converted into flats. To the west, across Pierrepont Road, is a circa 1970's part two-storey, part three-storey flatted building known as Creswick Court. A three-storey flatted building (known as Edendale), also from the 1970's, adjoins the site boundary to the east.

The site was formerly located within a residential area as defined in the Proposals Map to the Council’s Unitary Development Plan (2004). This plan has now been superseded by the Ealing Development Management Development Plan 2013 that does not provide any designation for this site but the site is located in an area that is primarily residential in nature.

The development site has an area of approximately 585m2.

**The Proposal:**

Permission is sought for the construction of a two storey residential building with accommodation in the roofspace comprising two x three bedroom dwellings including on site car parking, amenity space, refuse storage, removal of existing vehicular access and provision of a vehicular access for each dwelling.

The proposed development would be finished in dark red/brown roof tiles, red/orange brick and window detailing to generally match the existing local vernacular on Pierrepont Road. A total of two car parking spaces would be provided on site (one for each dwelling).

**Relevant Planning History and Background:**

Reference	Description	Decision	Decision Date	Appeal
PP/2008/0822	Construction of a three storey detached extension comprising 36 self-contained bed-sit rooms fronting Pierrepont Road (following demolition of an existing detached outbuilding to main building); and rear roof extension to Peacehaven comprising 2 addition	REFUSED	11-06-2008	
PP/2009/1830	Construction of a three-storey detached annexe (incorporating green roof terraces) comprising 34 self-contained residential units fronting Pierrepont Road (following demolition of existing ancillary buildings): rear roof extension to Peacehaven.	REFUSED	28-01-2010	
PP/2013/0111	Construction of three storey residential dwelling comprising of four, self-contained units (three, two bedroom flats and one, three bedroom flat) with parking for 4 cars and associated access and landscaping.	REFUSED	19-06-2013	19-05-2014

PP/2008/0822 was refused by the Council due to the scale of the proposed development which failed to provide adequate living conditions for future occupiers, inadequate on-site parking provision, lack of evidence to demonstrate that the development would not result in the loss of significant trees, height, position of openings, incorporation of roof terraces would have a detrimental impact on neighbouring properties.

PP/2009/1830 was refused by the Council due to the scale of the development, number and nature of the residential units, lack of affordable housing in a scheme comprising more than ten units, bulk and

intensity, car parking provision, lack of evidence to demonstrate that the development would not result in the loss of significant trees and that the proposed development would detract from the locally listed building.

PP/2013/0111 was overturned at Planning Committee on 19/06/2013 for the following reasons:

- 1. The proposed development would entirely screen existing protected trees at the rear of the development site which have a high amenity value and provide a valuable contribution to the area. The development would, therefore, be contrary to policies 5.5 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' 2004, policies 1.1 and 1.2 of the Adopted Development (Core) Strategy and policies 7.21 of the London Plan 2011.*
- 2. The design of the proposed development fails to reflect the character of the area and would be of an inappropriate scale to the size of the site and would for these reasons be contrary to policy 5.5 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' 2004, emerging policies 7.4 and 7C of the Draft Ealing Development Management Development Plan, policies 1.1 and 1.2 of the Adopted Development (Core) Strategy and policy 3.5 of the London Plan 2011.*
- 3. The proposal would fail to protect and enhance the character of the existing locally listed building on site and would therefore be contrary to policy 4.7 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' 2004, emerging policy 7C of the Draft Ealing Development Management Development Plan, policies 1.1 and 1.2 of the Adopted Development (Core) Strategy and policies and policy 7.8 of the London Plan 2011.*
- 4. The development proposal provides insufficient information with respect to the current use of the existing Peacehaven building on site and for this reason the development has the potential to give rise to car parking and other planning related issues. Therefore, the development would be contrary to policies 9.1 of the adopted Ealing Unitary Development Plan 'Plan for the Environment' 2004, emerging policy 6.13 of the Draft Ealing Development Management Development Plan, policies 1.1 and 1.2 of the Adopted Development (Core) Strategy and policy 6.13 of the London Plan 2011.*

This most recent application was appealed to the Planning Inspectorate under appeal reference APP/A5270/A/13/2202542 and the appeal was dismissed for the following reasons:

- Design - The Inspector noted that the proposal incorporated positive design features with traditionally proportioned fenestration, a front gable, projecting bays, matching building line, similar ridge height and a central porch making reference to the area. Concerns were raised with the significantly wider frontage, gable ended roof rather than pitched roof to match neighbouring properties all of which added to the impression of bulk. The front garden would mainly be given over to hardstand to provide parking which would fail to provide an appropriate setting for the building. It was considered that the proposal would harm the character and appearance of the area on these grounds.
- Trees – Despite the trees being protected, a number of the trees are conifers and ornamental varieties which did not appear to be of the highest amenity value. Not all of the protected trees within the grounds of Peacehaven would be screened by the development. Therefore, did not find that the concern regarding the screening of the trees a valid reason, of itself, for the scheme to fail. Given the conclusion here, a contribution towards the screening of trees would not be appropriate or justified.
- Effect on Locally Listed Building – Accepted that the gap between 7 Pierrepont Road and Peacehaven would be closed. However, it was considered that there would be sufficient

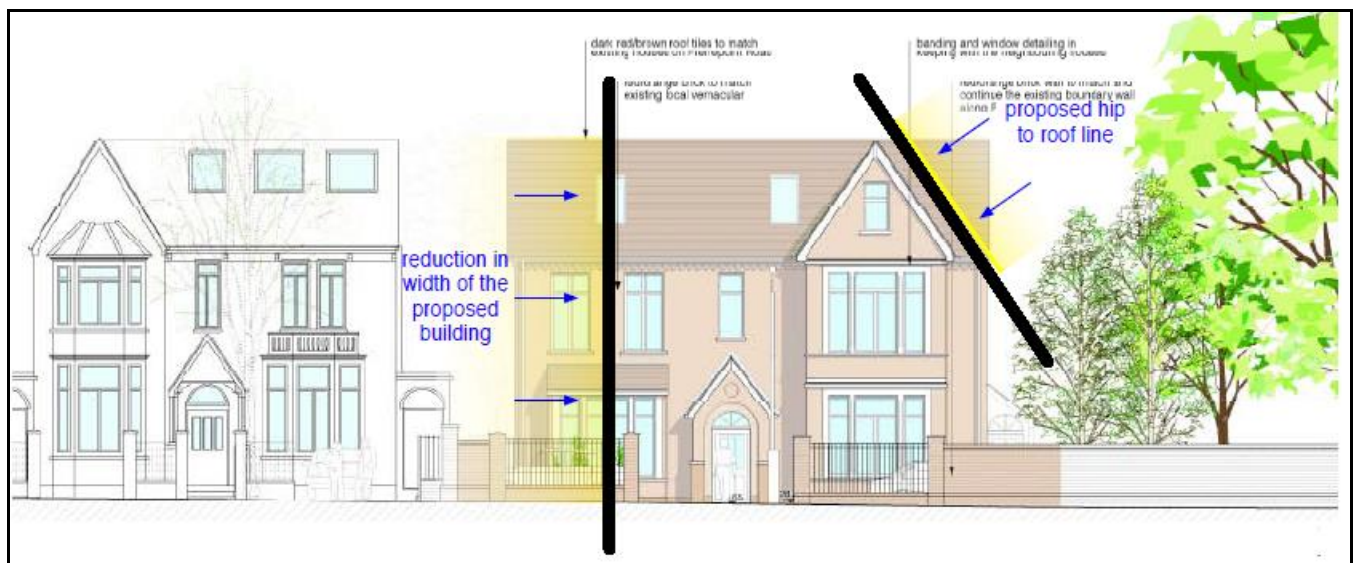
separation retained between the buildings for there not to be an unacceptable impact in this regard.

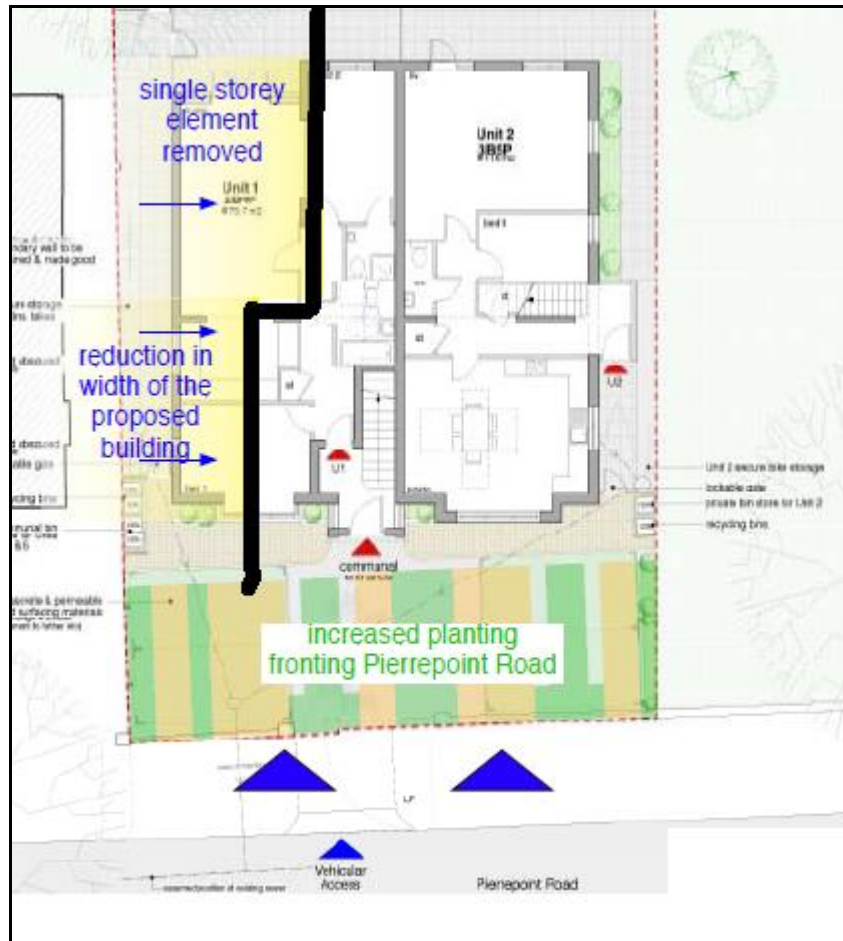
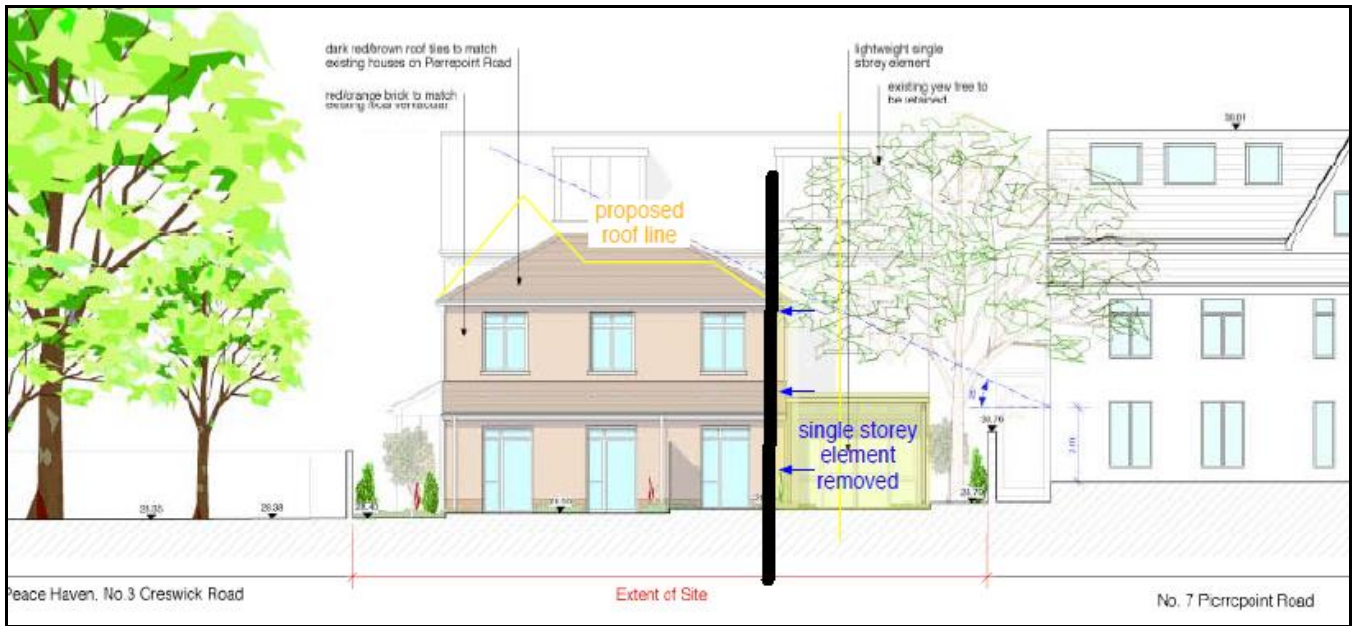
- Impact on neighbours – 7 Pierrepont Road has a number of habitable windows on its flank elevation. The proposed building, by virtue of its height, bulk and proximity, would seriously impair the outlook, daylight and sunlight to these flank windows. The proposal would result in an increased sense of enclosure and overshadowing. The proposal would seriously curtail sunlight and daylight within the flats. There would be no impact on living conditions at Peacehaven. There would be adequate separation between the buildings so that outlook, sunlight and daylight would not be significantly affected at Peacehaven. Sufficient garden space would be retained at Peacehaven for use by existing residents.
- Displacement of Car Parking – The area has not been used for car parking for in excess of 10 years. It would, therefore, be hard to see how this proposal would adversely affect highway safety. The scheme would provide one car parking space for each unit which would be a sufficient provision. Therefore, cannot see why a restriction on parking permits is justified.
- Use of the Existing Peacehaven Building – The existing lawful use of Peacehaven is not a matter for consideration within the appeal and it is not considered to be a determining factor in any event. The appellant has put in detailed and comprehensive evidence to demonstrate that the building is being lawfully used as a hostel.

The current scheme differs from the appeal scheme in the following respects:

- The scheme has been reduced from four to two units;
- The width of the building has been narrowed to be generally consistent with the width of the other buildings along Pierrepont Road;
- The height of the building has been reduced by 300mm;
- The gable ended roof has been removed and replaced with a hipped roof to match the other buildings on Pierrepont Road;
- The parking provision on site has been reduced from four spaces to two spaces thus reducing the hard stand to the front of the property. Additional soft landscaping has been incorporated;
- The building has been shifted 2.5m away from 7 Pierrepont Road.

The drawings below depict the changes that have been made:





**Consultation:**

Public Consultation

217 consultation letters were issued to neighbouring properties on 15/01/2015. Consultation period expired on 05/02/2015. Twelve objections received including one from the Creffield Area Residents Association (seven of these from the one property). Issues raised are summarised in the table below:

<b>Issue</b>	<b>Officer Response</b>
Construction Impacts	<i>Disruption caused during building work is not a planning consideration. In any case, such disruption would only be temporary in nature. Developers would need to adhere to strict hours in which they can work. An informative will be included on any approval given advising that demolition and construction works audible beyond the boundary of the site shall only be carried out between the hours of 08.00 – 18.00hrs Monday to Friday and 08.00 – 13.00hrs on Saturdays and at no other times including Sundays and Bank Holidays.</i>
Imposing impacts and loss of light on 7 Pierrepont Road	<i>It is considered that a sufficient setback has been maintained between the proposed development and no .7 Pierrepont Road to ensure that adequate levels of light can still penetrate the property. A total of four windows exist on the side elevation of 7 Pierre point Road adjacent to the subject site. The scheme has been altered from that previously refused to provide increased setbacks from this building. A daylight and sunlight study has been submitted in support of the proposal would satisfy all of the requirements set out in the BRE guide ‘Site Layout Planning for Daylight and Sunlight’. This is discussed in further detail below.</i>
Overlooking on 7 Pierrepont Road	<i>While the proposed development would introduce windows to the side elevation which would face windows at 7 Pierrepont Road, all windows would contain fixed obscure glazing which would mitigate any overlooking impacts.</i>
Impact on setting of Locally Listed Building	<i>The proposal would be sympathetic to the existing locally listed building considering its design, scale and setback from the building. On appeal, the inspector accepted that the gap between 7 Pierrepont Road and Peacehaven would be closed. However, it was considered that there would be sufficient separation retained between the buildings for there not to be an unacceptable impact in this regard.</i>
Backland development contrary to policy / Garden Grabbing	<i>The NPPF sets out that Council’s should resist inappropriate development of residential gardens where it would cause harm to the local area. In this case, it is not considered that the proposal represents appropriate development for the reasons set out in the assessment section of the report below.</i>
Impact on streetscene	<i>The proposed development would provide for a good layout and would provide similar distances between existing houses on Pierrepont Road thereby maintaining the rhythm of the street. The proposed building would be consistent with the height and width of the existing houses positioned on Pierrepont Road. The development has been designed to reflect the design of adjoining development in terms of proportions, detailing and roof form. Fenestration, porch and roof detail has been designed to relate well to neighbouring buildings and the streetscene. The building would be finished in red/orange brick to match the existing local vernacular and the</i>

	<p><i>roof would be finished in dark red/brown roof tiles to match existing houses along the road. The development would also respect the established building line along the street which would allow the building to integrate well.</i></p>
<p>Impact on traffic and parking in the area including loss of car parking on site</p>	<p><i>The nature of the additional traffic that would be generated is of a type that one would reasonably expect within a residential area. On appeal, the Inspector found that the area has not been used for car parking for in excess of 10 years and therefore, would be hard to see how this proposal would adversely affect highway safety. The scheme would provide one car parking space for each unit which would be a sufficient provision. Therefore, the Inspector could not see why a restriction on parking permits is justified.</i></p>
<p>Impact on Trees</p>	<p><i>The site is covered by TPO 764, which protects all tree species. The Council's landscape and tree officer has reviewed the application and advised that there is no objection to the principle of the development. Whilst three trees and two groups of trees would be removed as part of the proposal, conditions are recommended to protection trees to be retained and a tree planting condition is recommended to secure the planting of a tree on the development site for every tree removed. In the recent appeal decision, the Inspector found that despite the trees being protected, a number of the trees are conifers and ornamental varieties which did not appear to be of the highest amenity value. Not all of the protected trees within the grounds of Peacehaven would be screened by the development. Therefore, did not find that the concern regarding the screening of the trees a valid reason, of itself, for the scheme to fail. Given the conclusion here, the proposal is considered to be acceptable in this regard.</i></p>
<p>Loss of Garden Space for Existing</p>	<p><i>While it is acknowledged that the development would result in a reduction in outdoor space for the existing hostel at Peacehaven, it is considered that the resultant amenity space would be sufficient to meet the needs of the development. The Council's Supplementary Planning Document 16 'Hostels' or the London Housing Supplementary Planning Guidance do not specify a minimum standard of outdoor amenity space for hostel development. However, in accordance with the London Housing Supplementary Planning Guidance a minimum of 5sqm should be provided for every one or two person unit. The current hostel has 36 studio rooms which would require a minimum of 180 sqm of communal amenity space (5 sq.m per room). In this particular instance, the existing development at Peacehaven would retain approximately 400m2 of communal open space should the subject development be approved. This quantum of communal open space would be sufficient for approximately 80 one-two person residential units when considered against the London Housing Supplementary Planning Guidance policy 4.10.1 which states 'a minimum of 5 sq m of private outdoor space should be provided for 1-2 person dwellings and an extra 1 sq m should be provided for each additional occupant'. Given the existing Peacehaven building would not be able to accommodate this quantity of residential units, it is considered that there would be sufficient communal open space provided for residents at Peacehaven. Therefore, it is considered that the proposed development is acceptable in this regard. It is also noteworthy that the majority of the area to be developed is a disused hard surface car parking area which is currently not a useable amenity space area. Therefore, it is considered the</i></p>

	<i>actual loss in amenity space would be negligible.</i>
Erection of Fence subdividing the development site	<i>The erection of a fence within the garden of the property partitioning off an existing hard surface area on the Peacehaven site is not a planning consideration as part of the assessment of the current planning application. The fencing being approximately 1.8m in height would benefit from permitted development rights and the property owners would not have been required to make an application to the Council to undertake this work. Sec.55(2)(f) of the 1990 Act implies that the subdivision of a planning unit is not development so long as the use class remains the same, although an exception is made in the case of dwellinghouses. This is discussed in further detail in the 'other matters' section of this report.</i>
Use of the existing building	On appeal of the recently refused application (PP/2013/0111) at Peacehaven, the Inspector considered that although there appeared to be some conflicting views as to the lawful use of this building and in particular whether it comprises a residential or hostel use, the existing lawful use of Peacehaven was not before the Inspector in the appeal and it was not considered to be a determining matter in any event. It is, therefore, considered that this matter surrounding the lawful use of Peacehaven is not a determining factor in the current application. <i>This is discussed in further detail in the 'other matters' section of this report.</i>

Internal:

<b>Consultee</b>	<b>Comments</b>	<b>Officer Response</b>
<b>Transport Services</b>	No objection. The transport services team has assessed the application and advised that a condition should be applied requiring the reinstatement of the redundant crossover and the pedestrian visibility splay for the new crossover. Applicant would be required to enter into a legal agreement preventing new residents from obtaining parking permits. <i>Informative is recommended with respect to the construction of the proposed crossover and modification of the CPZ as a result of the proposal.</i>	On appeal, the Inspector found that the scheme would provide one car parking space for each unit which would be a sufficient provision. The Inspector could not see why a restriction on parking permits was justified in this instance. Therefore, it is not recommended that the applicant be required to enter into a S106 legal agreement preventing future occupiers of the new development from applying for on-street parking permits within the Controlled Parking Zone given the findings of the Inspector. Given the proposal to provide one on-site car parking space per unit, it is considered that the proposal would not result in any unacceptable increase in parking pressure in the area. <i>It is recommended that the other matters be included within any grant of permission.</i>
<b>Regulatory Services (Pollution)</b>	Advised that the site is within a predominantly residential area and is not	<i>It is considered that such a condition would be an</i>



<b>Technical)</b>	affected by significant noise from local transportation or commercial sources. Advised that a condition should be attached to any approval given requiring the installation of ultra-low Nox boilers.	<i>unreasonable imposition on such a development. Therefore, it is recommended that this be included as an informative.</i>
<b>Environmental Services (Refuse)</b>	The Council's refuse department are satisfied with the location of the proposed bin storage areas on site.	<i>Noted</i>
<b>Landscape &amp; Tree Officer</b>	<p>No objection to the principle of the development. The site is covered by TPO 764, which protects all tree species. The proposal would see the removal of three trees (T5, T6 and T9) and two groups (G2 and G3). This would result in the loss of tree cover and visual amenity of the area. The CAVAT value of the removed trees is £26,400. Therefore, s106 contribution of this amount would be required towards tree planting in the area.</p> <p>Conditions relating to existing tree/shrub retention, protection of existing trees/shrubs/hedgerows during demolition and construction, tree protection plan and details of tree planting recommended.</p>	<i>Recommended that these conditions be included within any grant of permission. Given the small scale of the development and the findings of the Inspector in the appeal, it is not considered reasonable to apply the s106 contribution towards tree planting in the area. A condition is recommended to secure replacement tree planting on site.</i>

**Planning Policies:**

Please see informative section above for a full policy list

**Reasoned Justification:**

This proposal has been assessed against the relevant policies of the Ealing Development Management Development Plan, the Adopted Development (Core) Strategy, the London Plan (2015) and Supplementary Planning Guidance/Documents. The key issues in the assessment of this planning application are:

- The principle of the proposal;
- Density;
- Impact on neighbouring properties;
- Design, Appearance and Impact on Heritage Assets;
- Quality and layout of the proposed living accommodation;
- Traffic, parking and servicing;
- Refuse / Recycling;
- Tree Protection;
- Environmental Matters;
- Other Matters.

A detailed assessment of the proposal is set out as follows:

The Principle of the Proposal

Increasing the current housing stock is an important strategic objective for the London Borough of Ealing, supported by London Plan policy 3.3. London Plan policy 3.4 aims to ensure that development proposals achieve the maximum intensity of use compatible with local context.

The site is located within a residential area. Therefore the principle of an additional unit in this area is acceptable, subject to compliance with the relevant policies and objectives of the National Planning Policy Framework, Adopted Ealing Development (Core) Strategy, the London Plan 2015, the Ealing Development Management Plan 2013 and Supplementary Planning Guidance/ Documents.

The National Planning Policy Framework gives local authorities power to prevent overdevelopment of neighbourhoods and so called 'garden grabbing'. In this regard the definition of previously developed land in annex B excluded private residential gardens and the national indicative minimum density of 30 dwellings per hectare was been deleted from paragraph 47. The exclusion of garden land from the definition of previously developed land meant that there was no longer a presumption in favour of its development in order to meet housing targets. Paragraph 53 of the NPPF states 'Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.' Therefore, the redevelopment of existing residential gardens is not unacceptable in principle subject to compliance with the relevant local planning policies.

In this instance, it is not considered that the proposal would amount to inappropriate development of garden land for the reasons outlined in this report.

Density

The application site has a Public Transport Accessibility Level (PTAL) of 2, which is identified as being a poor level of accessibility. It is considered that the site is located within a suburban area as defined by Table 3.2 of the London Plan (2015) which is demonstrated by the site's location and policy 3.4 of the Ealing Development Management Development Plan which states that '*Appropriate density ranges in Ealing will normally be: Central in Ealing Metropolitan Town Centre, Urban in Acton, Greenford, Hanwell and Southhall Town Centres and Suburban in the rest of the Borough*'.

Units per hectare:

$$1/ 0.0585 \text{ ha (site area)} \times 2 \text{ (number of units)} = 35 \text{ units per hectare}$$

Habitable rooms per hectare:

$$1/ 0.0585 \text{ ha (site area)} \times 10 \text{ (habitable rooms)} = 171 \text{ habitable rooms per hectare}$$

Table 3.2 of the London Plan indicates that on suburban sites of 3.8-4.6 hr/unit and with a PTAL of 2 shows that the acceptable density range will be 35-65 u/ha and 150-250 hr/ha.

These figures illustrate that the proposed development will result in a density that complies with the recommended density levels according the London Plan (2011) Table 3.2.

Therefore, against this plan's standards, the proposal would be within the recommended range for the number of units and habitable rooms per hectare and would for reasons outlined in this report, result in a form of development which would provide a suitable level of accommodation for prospective residents, which would make a valuable contribution to the non-family housing stock.

Impact on Neighbouring Properties

London Plan policies 7.6 and 7.15, Development Strategy policies 1.1(g) and (j) and Ealing Development Management Development Plan Document policies 7A and 7B are relevant with regards to the impact on the amenities of neighbouring residential properties.

Ealing's DM DPD Policy 7B provides the Council's policy on Design Amenity. It states "*new development must achieve a high standard of amenity for users and for adjacent users by ensuring; a) High quality architecture, b) good levels of daylight and sunlight, c) good levels of privacy, d) coherent development of the site, e) appropriate levels of development on the site, f) positive visual impact and g) legibility and accessibility*".

The property in question is a corner site and the development would be positioned at a distance of 5.8m from 7 Pierrepont Road to the north, 14.5m from Peacehaven to the south, 28m from Creswick Court to the west and 30m from development to the east on Julian Avenue. This scheme has been amended from that previously refused which provided for a setback of 3.1 from 7 Pierrepont Road.

A residential development would be in keeping with the character of the area and the intensity of the proposal is such that the development would be unlikely to have any adverse impact on neighbouring amenities in terms of noise and disturbance.

Any new development should ensure that there is adequate space between the existing and new buildings to preserve the visual amenities of the adjoining residents, so that the proposal does not appear overbearing or cause material loss of daylight or sunlight to existing buildings.

*Overlooking*

The proposed dwellings would not introduce any habitable room windows that would directly face any existing habitable room window within 21m. The London Housing Supplementary Planning Guidance November 2012 confirms that an 18-21m setback between existing and proposed development is sufficient to mitigate any residential amenity impacts. Given the setbacks from development to the east and west, it is not considered that the proposal would give rise to any undue amenity impacts on development in these directions.

While the proposed development would introduce first floor level windows to the side elevation which would face windows at 7 Pierrepont Road, all windows would contain fixed obscure glazing which would mitigate any overlooking impacts. Furthermore, the elevation facing Peachaven itself would incorporate first floor level windows with obscure glazing to ensure no overlooking would arise. Ground floor level windows on these elevations would be at a sufficiently low level and would be screened by boundary treatment to ensure that there would be no potential for overlooking. Given the setbacks of the proposal from properties at Creswick Court and Julian Avenue, there would be no overlooking impacts in these directions.

*Dominance / Sense of Enclosure / Daylight & Sunlight*

The southern flank elevation of 7 Pierrepont Road has a number of habitable room windows on its flank elevation. On appeal, the Inspector found that the proposed building, by virtue of its height, bulk and proximity, would seriously impair the outlook, daylight and sunlight to these flank windows. It was considered by the Inspector that the proposal would result in an increased sense of enclosure and overshadowing and would seriously curtail sunlight and daylight within the flats.

The proposal has now been reduced and set further away from 7 Pierrepont Road when compared with the scheme refused on appeal. The height has been reduced by 300mm and the building has been set further away from the flank elevation of this property (by 2.5m) with the total separation between the properties being in the region of 5.7m at the closest point and a separation of 7.5m towards the rear where the proposal reduces to two stories. The habitable room windows facing the development site would for the most part sit adjacent to the two storey element that is sited some 7.5m away. This represents a change from the refused scheme whereby a single storey element sat adjacent to the proposed windows with a two storey element some 7.2m away.

A Daylight and Sunlight Study has also been submitted in support of the scheme which concludes that the proposal would have a low impact on the light receivable by neighbouring properties and that the development satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight'. In light of the increased setbacks, marginal decrease in height and the findings of the Daylight & Sunlight Study, it is not considered that the proposal would have an undue amenity impact on 7 Pierrepont Road. It is considered that the reason for dismissal of the appeal in this regard has been successfully overcome. Furthermore, the kitchen / dining windows on this flank wall benefit from other windows to the front of the building.

The depth of the scheme would align with the rear elevation of the neighbouring development on 7 Pierrepont Road thus ensuring that the rear facing windows would not be impacted upon in any way.

Given the setback of the proposal from Peacehaven and other buildings to the east and west, there would be no detrimental amenity impact on these properties. On appeal, the Inspector found that there would be no impact on living conditions at Peacehaven and that there would be adequate separation between the buildings so that outlook, sunlight and daylight would not be significantly affected at Peacehaven.

It is also important to note that amenity impacts on neighbouring development were not raised as a reason for refusal when the application was decided by the Planning Committee in 2013.

It is therefore considered that the proposal would be satisfactory in this regard and would not produce a significant conflict with policy 7B of the Ealing Development Management Development Plan and policies 7.4 and 7.6 of the London Plan.

#### Design, Appearance and Impact on Heritage Assets

Sections 6, 7, 8 and 12 of the NPPF, London Plan policies 3.5, 7.1, 7.2, 7.3, 7.4, 7.5, 7.6 and 7.7, policies 1.1(g), 1.1(h), 1.1(k) and 1.2(g) in the Development Strategy and Ealing Local Variation to London Plan policies 3.5, 7.3 and 7.4 and policy 7B of the Development Management DPD are relevant with regards to the design of new development.

The proposed two storey development (two storeys with roof space accommodation) would be positioned to the rear of the existing Peacehaven building on a portion of land with a frontage to Pierrepont Road. The existing building on site comprises a substantial Victorian property which is locally listed.

The wider surrounding area is varied in character with substantial detached Victorian properties on the eastern side of Pierrepont Road and more recent semi-detached properties on the western side of the same road. Directly opposite the application site is a post-war block of flats.

The design of the scheme makes reference to the existing development on the eastern side of Pierrepont Road with traditionally proportioned fenestration, a front gable, projecting bays, matching building line, similar ridge height and a central porch.

On appeal, the Inspector criticized the previous scheme due to its significantly wider frontage, its gable ended roof which added to the impression of bulk. The scheme has now been altered to address these concerns with the width of the building being narrowed to be more in keeping with development along the eastern side of Pierrepont and the roof has been hipped adjacent to the front gable to match neighbouring development.

The distance between the proposal and 7 Pierrpoint Road has been increased to address residential amenity concerns and the proposal would now have a wider gap between it and neighbouring development when compared with development on that side of the street. However, it is not considered that this gap would disrupt the rhythm of the street to a detrimental degree. The bulk of the proposal has been reduced substantially and the scheme now adopts an overall design approach and roof form that would be more akin to the form of building that exists on site at present.

The building would be finished in red/orange brick to match the existing local vernacular and the roof would be finished in dark red/brown roof tiles to match existing houses along the road. The design approach to the external appearance of the development, which includes the proposals to use a pallet of materials influenced by the character of the area is supported. However, the success would be very much dependant on the exact materials and therefore a condition is recommended requiring samples of materials to be submitted for approval prior to the commencement of the development.

Existing brick boundary treatment along the northern and eastern boundaries of the site would be retained and made good. A 2m high clos boarded boundary fence would be erected along the southern boundary of the site and the front boundary would comprise a low level brick boundary wall with railings sitting on top which would be generally consistent with the boundary treatment on neighbouring development.

It is considered that the building would be of an appropriate footprint, design and height. The development would provide a suitable transition in height and scale from the neighbouring development. It is not considered that the scale of the development would have an adverse visual impact upon the general street scene and the public realm. Generally, the interplay between the windows and other surfaces in the development would provide a suitable level of articulation to minimise the perception of mass.

The height, scale and amount of development is considered to be acceptable in relation to context of buildings and is appropriate for the site's area. The building would have a comparable height to the local context and existing built form in this location.

The National Planning Policy Framework (2012), section 12, paragraph 134 states that: 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal'. Policy 7C of the Ealing Development Management Development Plan states that 'development of heritage assets and their settings should...conserve the significance of the asset'.

The proposal would be positioned at a distance of approximately 14m from the existing locally listed building on site. On appeal, the Inspector accepted that the gap between 7 Pierrepont Road and Peacehaven would be closed. However, it was considered that there would be sufficient separation retained between the buildings for there not to be an unacceptable impact in this regard. The proposal

retains the setback within the previous scheme. Given the setback proposed and the findings of the Inspector, it is considered that the proposal would result in less than substantial harm to the significance of the locally listed building.

On balance, it is considered that the proposal meets the objectives of policies mentioned above with regard to design, scale and appearance. The proposal would lead to less than substantial harm to the significance of the designated heritage asset in accordance with section 12 of The National Planning Policy Framework (2012) and is, therefore, considered to be appropriate in this regard.

Quality and Layout of the Proposed Living Accommodation

London Plan policy 3.5 ‘Quality and Design of Housing Developments’ and Ealing Local Variation to London Plan policy 3.5 provides that housing developments should be of the highest quality internally and externally.

Residential proposals should accord with the London Plan 2015 standards on external space, internal space and layout. The table below sets out the minimum space standards required for new dwellings by the London Plan (2015). The table sets out the areas of the proposed unit:

House Number	Dwelling Type (bedroom (b)/persons (p))	London Requirement (sq m)	Plan	Proposed floor area (sq m)
1	3b 6p	112		124
2	3b 6p	112		122

*London Plan (2015) Table 3.3 Minimum Space Standards*

It is clear from the Table above that the proposed unit would accord with the standards of the London Plan in terms of the area.

In accordance with standard 5.2.1 of the London Housing Supplementary Planning Guidance November 2012 which specifies that developments should avoid single aspect dwellings that are north facing, exposed to noise levels above which significant adverse effects on health and quality of life occur or contain three or more bedrooms, the proposed dwellings would provide for dual aspect living accommodation that would ensure better daylight, a choice of views and natural cross ventilation for future occupiers of the units.

London Plan Policy 5.3 (Lifetime Homes) states that all new housing should be consistent with the Lifetime Homes standards. A condition has been included in the recommendation to ensure that the units are built to lifetime homes standards.

Therefore, the proposed internal layout of the unit would be consistent with the criteria set down under the London Plan 2015 and would provide good living accommodation for future occupiers.

Amenity Space

The Council’s planning guidance relating to the provision of amenity space is set out in policy 7D of the Ealing Development Management Development Plan (2013) and the London Housing Supplementary Planning Guidance Standard 4.10.1 which provide that a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm provided for each additional occupant.

The Ealing Development Management Development Plan Document indicates that there should be a minimum of 50sqm of private garden space provided for houses but it should be related to the urban grain and relationships between buildings and spaces within the established local development whilst safeguarding privacy and amenity for existing and prospective occupants. The Development Management Development Plan goes on to state that the amount of private open space for houses should respond to the physical context, respecting the established local character and pattern of building, public space, landscape & topography. The provision should therefore seek to preserve the established urban grain, and by providing a relationship between the proposed development and neighbouring buildings and spaces, safeguard the privacy and amenity of existing and future occupants.

It is noted that the proposed development would provide for a private garden area for each of the dwellings with areas of approximately 100sqm for house 1 and 60sqm for house 2 which would comply with both London Plan and Ealing Development Management Development Plan standards. The proposal would therefore be satisfactory in this regard.

While it is acknowledged that the development would result in a reduction in outdoor space for Peacehaven, it is considered that the resultant amenity space would be sufficient to meet the needs of the development. While the Council's Supplementary Planning Document 16 'Hostels' or the London Housing Supplementary Planning Guidance does not specify a minimum standard of outdoor amenity space for hostel development, the resultant on-site amenity space would comply with the provisions of the London Housing SPG in that approximately 400sqm of amenity space would be maintained on site for the existing development with the requirement being 180sqm (36 rooms x 5 sqm of amenity space per room).

The proposal is, therefore, considered to be satisfactory in this respect.

#### Traffic, Parking and Servicing

London Plan policies 6.1, 6.3, 6.9, 6.10, 6.11 and 6.13, NPPF Chapter 4 (Promoting Sustainable Transport), Ealing Development Strategy policy 1.1(f) and (g) are relevant with regards to transport issues.

Policy 6.3 of the London Plan 2015 states that development proposals should ensure that development should not adversely affect safety on the transport network. Policy 6.13 provides that an appropriate balance should be struck between promoting new development and preventing excessive car parking and that in locations with high public transport accessibility, car-free developments should be promoted.

The application site is located in a Controlled Parking Zone (CPZ) and has a Public Transport Accessibility Level (PTAL) rating of 2. The Council's Transport Department consider that a legal agreement to prevent any future occupiers and their visitors from obtaining parking permits in the local CPZ is warranted given the location on the site within a CPZ.

On appeal, the Inspector found that the scheme would provide one car parking space for each unit which would be a sufficient provision. The Inspector could not see why a restriction on parking permits was justified in this instance. Therefore, it is not recommended that the applicant be required to enter into a S106 legal agreement preventing future occupiers of the new development from applying for on-street parking permits within the Controlled Parking Zone given the findings of the Inspector. Given the proposal to provide one on-site car parking space per unit, it is considered that the proposal would not result in any unacceptable increase in parking pressure in the area.

Conditions are also recommended with respect to the reinstatement of the existing crossover and informative is recommended with respect to the construction of the proposed crossover and modification of the CPZ as a result of the proposal.

It is considered that the impact on Peacehaven car parking would be negligible. Parking demand has been demonstrated to be very low. While it is acknowledged that the development would result in the loss of an existing hard surface parking area on the Peacehaven site, the applicant has advised that this car parking area has not been used for over 10 years and that the existing Peacehaven building benefits from an existing car parking area to the front of the site. In addition to this, it has also been established from the Council's Parking Services Department that there are currently only 2 valid residential parking permits for this property indicating that parking demand for this property is very low (only 2 out of 36 rooms require parking which equates to 5.5%).

Aerial photography also suggests that since 2003 the area has only been used infrequently for the parking of cars. On the 2003 GIS mapping no cars were parked in this area, on the 2006 GIS mapping 1 car was parked in this area, on the 2007 GIS mapping no cars were parked in this area, on the 2010 GIS mapping no cars were parked in this area and on the 2012 GIS mapping no cars were parked in this area.

The hard stand area in question was approved by the Council in 1997 under an application for the retention of a hard surface for the parking of coaches. This application was for retention in conjunction with a hotel use. The retrospective nature of this application confirms that the use of this area for parking was not a requirement of the Council to meet parking standards but an operational need of the hotel business at the time. The parking area to the front of the existing building is an existing on-site situation that would not be altered by the proposal. Therefore, it is not considered that the proposed development would have any detrimental impact in this regard. Within the recent appeal on the property, the Inspector did not consider that the proposal would amount to unacceptable displacement of car parking to the surrounding streets.

An investigation has been undertaken into whether the area of the site which is the subject of this planning application was to accommodate a car parking area for a single storey extension to Peacehaven approved in 1993. It was been determined that this application did not approve car parking in this location.

Therefore it is not considered that approval of the proposed development would impact upon car parking for the existing development.

#### Refuse / Recycling

Standard 3.5.1 of the London Supplementary Planning Guidance November 2012 provides that 'refuse stores should be accessible to all residents...and should satisfy local requirements for waste collection'. London Plan policy 5.17 'Waste Capacity' requires the provision of suitable waste and recycling storage facilities in all new developments.

The Council's Environmental Services (Refuse) officer is satisfied with the provision of refuse storage within the site which is provided within a refuse store to the front of each dwelling. A condition is recommended to ensure that refuse storage is provided on site prior to occupation of the development.

Therefore, the proposed development is considered to be acceptable in this regard.



Tree Protection

The proposed development has been reviewed by the Council's Trees Department who has raised no objection to the principle of the development. The site is covered by TPO 764, which protects all tree species on site. The proposal would see the removal of three trees (T5, T6 and T9) and two groups (G2 and G3). The Trees Department has advised that the CAVAT value of the removed trees is £26,400 and has recommended a financial contribution be secured for the loss of these trees. They have also recommended conditions relating to existing tree/shrub retention, protection of existing trees/shrubs/hedgerows during demolition and construction and tree planting.

In the recent appeal, the Inspector found that despite the trees being protected, a number of the trees are conifers and ornamental varieties which did not appear to be of the highest amenity value. Not all of the protected trees within the grounds of Peachaven would be screened by the development. The Inspector did not find that the concern regarding the screening of the trees a valid reason, of itself, for the scheme to fail. Given the conclusion in the appeal, a contribution towards the screening of trees would not be appropriate or justified.

A condition is recommended to secure replacement tree planting on site for every tree to be removed. Therefore, the proposal is considered to be satisfactory in this regard.

Environmental Matters

London Plan Policy 7.15 'Reducing noise and enhancing soundscapes' states developments should seek to reduce noise minimising the existing and potential adverse impacts of noise on, from within, or in the vicinity of development proposals.

The site is positioned within a predominantly residential area that is not affected by significant noise from local transportation or commercial sources and therefore no conditions would be required with respect to noise mitigation measures for the proposed units.

Construction noise impacts are addressed within the recommended Construction Logistics Plan condition.

Therefore, it is considered that the proposed development is satisfactory in this regard.

Other Matters

Objections have been raised surrounding the issue of the use of the property being self-contained residential flats and not hostel accommodation.

A site inspection was carried out at the property on 24<sup>th</sup> May 2013 whereby the following was observed:

- The property contains 36 studio/bedsit rooms of approximately 17 to 20sq.m in area with own shower/WC and small kitchen area with sink/small electric cooker hob and built in microwave. All rooms have basic furniture – bed/cupboard/kitchen storage, desk/chair;
- The property contains a communal reception area with coffee table, seating and shelving with magazines / books available for residents. This main reception/ access to the annex is locked daily at 22.00 and unlocked at 7am. There is a separate outbuilding which provides a communal laundry for use by residents. A resident caretaker looks after communal cleaning, distribution of post to internalised post boxes and day to day management;

- The owner's representative has advised that they do rent the studio units out on Assured Shorthold Tenancy but there is no maximum let. They will consider short term lets of a month. They provide accommodation for students and local workers on short term lets;
- Utility bills are paid by the owner of Peacehaven – gas/electric/water/telephone & internet connection is provided communally and the heating is a communal system.
- Council tax is paid separately by the tenants. The Valuation Office inspected the premises in 2008 and took the view that because the rooms are self-contained with own facilities (cooking and sanitation) they should be rated as separate units for Council tax purposes. This does not mean that they are self-contained flats for planning purposes.

In addition to this, a statement was previously provided to the Council by the owners / operators of Peacehaven who have advised as follows:

- *Tenants are charged rents weekly;*
- *They can stay for short term though many opt for longer term with typical Assured Shorthold Tenancy for 6 months (this is because many require an AST to open bank accounts, order phone lines or register for other services). Even on student use sites or other hostels in London we run, ASTs are issued as its standard practice in the market;*
- *We have a site manager permanently living on site to look after residents;*
- *The company pays for all water, electricity, gas and internet connection without recharging to tenants;*
- *All common parts and rooms (when vacated) are cleaned by our owners;*
- *There's provision of common facilities like common central heating to all rooms, common room within the conservatory, a common laundry room with several machines and a common kitchen (which due to lack of use is shut at the moment'.*

Given the nature of the activities on site, advice was sought from the Council's HMO (Houses in Multiple Occupation) Team to establish if they would register such a property as a HMO. They advised that they would not register such a property as a HMO given that bathroom, toilet and kitchen facilities are provided within each room.

Legal advice was sought on the use of the property from the Council's Legal Department given the nature of the activities being undertaken on site. They have advised that they do not consider the current use of the property to be self-contained residential units (C3 use). Therefore, it is concluded that the property is currently being utilised predominantly as a hostel given the nature of the activities and facilities on site. The Council's Legal Department do not consider the property to be a C3 use (akin to a block of flats) and the Council's HMO Team would not register such a property as a HMO.

The Council's records / planning history also indicate that Peacehaven is being utilised for hostel accommodation although the type of occupier and terms for occupation may be different to that operated by the previous owner. No change of use application has been made to the Council and it is not considered that a material change of use has occurred to warrant one. It is also noteworthy that the property is also advertised on the internet as a hostel for short and long term lets.

In June 2013, an investigation was undertaken by the Council's Enforcement Team following a report of an alleged unauthorised creation of self-contained bedsits/studios in Peacehaven. This investigation was closed as it was considered that there was 'No development', i.e. no material change of use. Following receipt of the recent application (PP/2013/0111), the use of the property was investigated on the request of Planning Committee Members. In investigating the use of the building, a site visit was undertaken by Planning Officers and legal advice was sought on the use. It was concluded by both Planning and Legal Officers at the time that the property was being used as a hostel (Sui Generis Use

Class). The assessment of this planning application also concluded that regardless of whether the use of the property was a hostel or self-contained flats, the proposed development of the site to the rear of the Peacehaven would have been satisfactory and policy compliant in all respects and in particular with respect to the resultant car parking and amenity space provision for occupiers of the existing building. There is no planning definition of a hostel but for modern usage a hostel can be said to mean a building in which people either live or stay and which provides communal facilities (Commercial and Residential Property Company v S of S and Kensington and Chelsea LBE 1987). The characteristics of a hostel would be relatively basic and inexpensive and possibly but not necessarily providing dormitory sleeping accommodation, shared cooking, eating and recreational facilities. In *Panayi v S of S for the Environment* 1985, self-contained flats to accommodate homeless families were correctly described as hostels. Hostels can in wide terms embrace both long-term and transient accommodation as was also held in *Panayi* 1985 referred to above. Different types of hostels may also have different effects in planning terms. A recent enforcement decision (Land at Sheddon Hall Hotel Torquay December 2011 appeal) dealt with the alleged conversion of a hotel to a hostel. Although this dealt with a hotel (as opposed to a block of flats) it is the characteristics that are relevant. There were 26 bedrooms and the allegation was not that the property was being used as a large house but as a hostel – another form of sui generis use. The Inspector recorded that there was no definition of a hostel in planning law and the question of whether a property was a hostel or another use was to be determined on a fact and degree basis. In his decision the Inspector noted that in the 1975 case of *Mayflower Cambridge v S of S for the Environment and Cambridge DC* that there was a well understood and acceptable distinction between use as bed sitting rooms and use as a hotel which turned on the stability or instability of the population in the premises and the extent to which they were making individual units their homes. The essence of a hotel being that you have transient passengers. The Inspector also noted that Part C of Circular 03/2005 Changes of Uses of buildings and land : T& C Use Class Orders 1987 specifically referred to hostels which were described as usually providing short term accommodation though longer term could be provided. This may or may not be supervised but would not generally include any element of care but people could usually stay cheaply with some providing board and others self-catering. The inspector also observed that rent was paid weekly and included the cost of heating, hot water and electricity. There was also a shared lounge and TV. Periods of occupation could be for a day to indefinitely but most staying for a few months. This all led the Inspector to conclude that on the evidence before him that there had been a change of use from a hotel to a hostel. Even though this case dealt with hotel to hostel the Inspector recorded that there was no definition of a hostel in planning law and the question of whether the property was a hostel or another use is a matter of judgment to be determined on a fact and degree basis. On appeal of the recently refused application (PP/2013/0111) at Peacehaven, the Inspector considered that although there appeared to be some conflicting views as to the lawful use of this building and in particular whether it comprises a residential or hostel use, the existing lawful use of Peacehaven was not before the Inspector in the appeal and it was not considered to be a determining matter in any event. It is, therefore, considered that this matter surrounding the lawful use of Peacehaven is not a determining factor in the current application.

The erection of a fence within the garden of the property partitioning off an existing hard surface area on the Peacehaven site is not a planning consideration as part of the assessment of the current planning application. The fencing being approximately 1.8m in height would benefit from permitted development rights and the property owners would not have been required to make an application to the Council to undertake this work. Sec.55(2)(f) of the 1990 Act implies that the subdivision of a planning unit is not development so long as the use class remains the same, although an exception is made in the case of dwellinghouses. This provision is further explained at para.15 of Use Classes Circular 3/05. An appeal example showing the penalties of getting the law wrong in this respect is *Leicester* 18/11/1988 DCS No 050-633-758 where an enforcement notice had alleged subdivision of a factory building into various smaller industrial units. An inspector felt that as the building was one planning unit and the new use fell in the same use class, there had been no development. It was

concluded that the council's decision to proceed with enforcement action was ill-considered and unreasonable. Costs were awarded to the appellant. A further case to illustrate this point was in Rutland 07/01/2003 DCS No 058-212-607 where an enforcement notice against an alleged unauthorised garden was quashed as a council was found to have ignored or misunderstood well established planning principles. The land had been used for the grazing of ponies and the council claimed that its conversion to a domestic garden involved a material change of use. However an inspector noted that when the whole of the planning unit was considered in accordance with *Burdle v SOS* [1972], the land had an intimate and close association with a nearby manor house. Since the primary use of the planning unit was residential, any uses and activities which were incidental or ancillary to the main use did not constitute a material change. The fact that ponies were kept on the land was irrelevant since this was a leisure activity which was ancillary to the main residential use. The notice was quashed and the inspector agreed with the appellant, that the council's reliance on certain matters of planning law, were seriously flawed. At the inquiry the council seemed to be unclear about the relationship between primary and ancillary uses carried on within the same planning unit and relied on vague statements about physical separation to support the view that the site comprised a separate planning unit. The inspector concluded that the tests set out in *Burdle* had not been applied and accordingly the council had acted unreasonably in pursuing enforcement action. Therefore, the issue raised surrounding the erection of a fence within the grounds of Peacehaven is not a material consideration to be taken into account in the assessment of this planning application.

### **Conclusion**

The proposal is consistent with the aims of the relevant policies of the London Plan, Adopted Development Core Strategy, Ealing Development Management Development Plan Document, and Supplementary Planning Guidance. Therefore, it is recommended that the development should be granted with conditions.

### **Human Rights Act:**

In making your decision, you should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as the London Borough of Ealing to act in a manner, which is incompatible with the European Convention on Human Rights.

You are referred specifically to Article 8 (right to respect for private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for approval of the grant of permission in this case interferes with local residents' right to respect for their private and family life, home and correspondence, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of the applicant). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for approval is considered to be a proportionate response to the submitted application based on the considerations set out in this report.