Planning New Garden Space
Consultation Statement
1 INTRODUCTION

1.1 The ‘Planning new Garden Space Supplementary Planning Document’ (formerly known as ‘Residential Gardens SPD’) was published by Ealing Council for public consultation from 28th February to 11th April 2014.

1.2 This SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, and provides guidance on the design of new provision, and explains the interface with other forms of open space provision.

1.3 The SPD was the subject of public consultation in accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and Ealing’s Statement of Community Involvement and this Consultation Statement has been produced in accordance with Regulation 12 (a).

1.4 In accordance with regulation 12(a), this Consultation Statement sets out:-

(i) The persons the local planning authority consulted when preparing the supplementary planning documents (see APPENDIX 1)

(ii) A summary of the main issues raised by those person (see SECTION 3); and

(iii) How those issues have been addressed in the supplementary planning document (see SECTION 4 and APPENDIX 2)
2 THE CONSULTATION EXERCISE

The consultation arrangements

2.1 The consultation period took place from 28th February to 11th April 2014.

2.2 The SPD was published on the Council’s web site during this period along with consultation response forms and advice on where and when the SPD was available for inspection. Copies were deposited for inspection at each of the borough’s libraries and at the Council office (Perceval House).

2.3 Letters and an E-Bulletin were sent to all individuals/organisations recorded on the Council’s consultation database.

2.4 The consultation was also publicised at various meetings including at the Local Plans Advisory Committee and the Planning and Community Working Group.

2.5 A public notice advertising the consultation was published in the local ‘Ealing Gazette’ newspaper at the commencement of the consultation period.

The response

2.6 52 representations were submitted by 18 individuals and organisations. The respondents included:

- 10 local residents
- 5 local community organisations:
  - Ealing Cycling Campaign
  - Hanger Hill Estate
  - Ealing Fields Residents Association
  - Ealing Cricket and Conservation Area Panel
  - Save Ealing Centre
- 3 statutory bodies:
  - Natural England
  - English Heritage
  - Canal & River Trust
3 SUMMARY OF MAIN ISSUES RAISED

3.1 The main issues raised by respondents are summarised below:

The Scope of the SPD

- By far the single greatest area of objection related to the scope of the SPD, with many representations seeking to broaden its scope to also manage change in relation to existing garden areas. A number of these representations have sought to introduce a presumption against back garden development, and cited Harrow’s policy and guidance as a model to follow.
- Clarity was also sought over how elements of the earlier UDP policy relating to backland development have been carried forward into the Local Plan.

Other issues

- Further clarity sought when calculating occupancy levels.
- Greater control was sought over the design of front gardens and specifically in relation to their role in accommodating parking/hardstanding.
- Further changes were sought which promoted the role of gardens in Green Infrastructure networks and green chains.
- It was suggested that reference to the density typologies outlined in the Development Management DPD should be added to assist when determining character and context.
- Comfort sought to ensure that new garden provision provided at an elevated level does not undermine the amenity of neighbouring uses.
- Priority for private provision was sought over public provision.
- Similarly priority for on-site provision was sought over off-site monetary contributions.
- Greater clarity sought over how the key principles relating to new garden provision might apply when judging change in relation to existing garden space.
4 RESPONSE TO ISSUES RAISED

4.1 In response officers have made a number of changes to the document to address the issues raised. Key changes include:

- Additional text added to the introduction to provide greater clarity around the scope of the SPD, including providing a definition of garden land/space.
- New text added addressing the role of gardens in contributing to the establishment of Green Infrastructure Networks.
- New text proposed which seeks to manage the amenity impacts of new garden provision.
- A short section on existing gardens is proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens.
- New text to be added which seeks to minimise the amount of hardstanding forming part of any design solutions for gardens located to the front of properties.

4.2 A full summary of the consultation responses received, the Council’s response and any proposed changes to the SPD as a result of the consultation responses is provided within Appendix 2 of this Statement.
APPENDIX 1: CONSULTEES

Specific Consultees
Amec on behalf of National Grid
Anglian Water
Atlantic Electric and Gas
BAA Aerodrome Safeguarding
Brent Council
British Gas
British Gas Properties
British Waterways
British Waterways London
BT Group plc
Canal and River Trust
Countrywide Farmers Plc
Croydon Council
Department for Culture, Media and Sport
Department for Environment, Food and Rural Affairs
Department for Transport
Department of Education and Skills
Department of Health
Department of Trade and Industry
Director of Asset Management
Ealing Primary Care Trust
Ecotricty
English Heritage
Environment Agency
Equality and Human Rights Commission
Forestry Commission
Freight Transport Association
Good Energy Limited
Greater London Authority (GLA)
Harrow Council
Health and Safety Executive (HSE)
Heathrow Airport Limited
Heathrow Airport Ltd
Highways Agency
Home Office
Hounslow Council
London Borough of Hammersmith & Fulham
London Borough of Havering
London Borough of Hillingdon
London Councils
London Energy Plc
London Fire & Emergency Planning Authority
London Fire and Emergency Planning Authority
London Fire and Emergency Planning Authority (agents Dron & Wright)
London Waterways - Canal and River Trust
Metropolitan Police Authority
National Grid
Natural England
Network Rail
NHS
NHS London Healthy Urban Development Unit
NHS Property Services Ltd

North West London Strategic Health Authority
Npower
O2 (cellnet)
Opus Energy Limited
Planning Policy, Borough of Lewisham
Powergen
Renewable UK
Richmond upon Thames Council
Scottish Gas
Scottish Hydro Electric
ScottishPower
Seeboard Energy Limited
Southern Electric
Sport England
Sport England - London Region
SWALEC
SWEB Energy Limited
Telecom Plus PLC
Thames Water
Thames Water Property Services
Thames Water Utilities Ltd
The Theatres Trust
Three Valleys Water
T-Mobile (UK) Limited
Transport for London
Transport for London, West London Tram (TFL)
Virgin HomeEnergy Limited
Vodafone Group Plc
Wandsworth Council
West London Health Estates
West London Waste Authority

General Consultees
A & D Homes Ltd
A2Dominion Group
Action Acton
Actionvale Community Centre
Acton Alliance
Acton Community Forum
Acton Green & Bedford Park Conservation Area Panel
Acton Green Residents Association
Acton History Group
Acton Town Residents Association
Advanced Property Management
Afghan Academy
Age UK
Alder King
Alliance Planning
Alzheimers Concern Ealing
Ancient Monuments Society
Apna Ghar Housing Association Ltd
Armenian Hayashen
Arup Partnership
Arya Samaj London
Ascott Avenue Residents Association
Ashra-Asian Carers Project
Asian Family Counselling Services
Asian Parents Carers Association
ASRA Housing Association
Austin Mackie Associates Ltd
Avenue Road/Villiers Road Residents Association
Barker Parry Town Planning Ltd
Barton Willmore
Bedford Park Society
Bell Cornwall LLP
Bellway Homes
Birkbeck Residents Association
Birkdale Area Residents Association
Biscoe Craig Hall
Boston Manor Residents Association
Boyer Planning Ltd
BREEAM
Brent River & Canal Society
Brencham Society
British Geological Survey
Brookside Consulting
Burland TM Ltd
Buro Happold Ltd
Caldecotte Consultants
Campaign for Real Ale Limited
Campaign to Protect Rural England (CPRE)
Capita Symonds
Caribbean Environment Watch
Catalyst Housing Ltd
CBRE
Central & Cecil Housing Care & Support
Central Ealing Residents’ Association
CgMs Consulting
Charles Russell LLP
Choicehome Property Management
Chris Thomas Ltd
Churchfield Community Association
Churchill Hui
Cissbury Consulting
City & Provincial Properties Plc
Cluttons
Colne Valley Rural Development Forum
Council For British Archaeology
Councillor A Young
Councillor Abdullah Gulaid
Councillor Alexander Stafford
Councillor Allot
Councillor Andrew Steed
Councillor Anthony Kelly
Councillor Aysha Raza
Councillor B Mahfouz
Councillor B Reeves
Councillor Benjamin Dennehy
Councillor Binda Rai
Councillor C Costello
Councillor Charan Sharma
Councillor Chris Summers
Councillor Ciaran McCartan
Councillor D Pagan
Councillor D Scott
Councillor Daniel Crawford
Councillor David Millican
Councillor David Rodgers
Councillor Dee Martin
Councillor E Harris
Councillor Edward Rennie
Councillor Gareth Shaw
Councillor Gary Busuttil
Councillor Gary Malcolm
Councillor Gregory Stafford
Councillor Gurmit Kaur Mann
Councillor H Rose
Councillor Harbhajan Kaur-Dheer
Councillor I Potts
Councillor Ian Proud
Councillor Isobel Grant
Councillor J Anderson
Councillor J Cowing
Councillor J Gallagher
Councillor J Popham
Councillor Julian Bell
Councillor Kamaljit Dhindsa
Councillor Kamaljit Kaur Nagpal
Councillor Kate Crawford
Councillor Karam Mohan
Councillor Joanne Dabrowska
Councillor Jon Ball
Councillor Joy Morrissey
Councillor Julian Bell
Councillor Kieron Gavan
Councillor Karamohan
Councillor Lyne Murray
Councillor M Reen
Councillor Mik Sabiers
Councillor Mohammad Aslam
Councillor Mohammed Kausar
Councillor Mohinder Kaur Midha
Councillor Munir Ahmed
Councillor Natasha Ahmed-Shaikh
Councillor Nigel Bakhai
Councillor Nigel Sumner
Councillor Patricia Walker
Councillor Patrick Cogan
Councillor Paul Conlon
Councillor Penny Jones
Councillor Peter Mason
Councillor Rajinder Mann
Councillor Ranjit Dheer
Councillor Ray Wall
Councillor Rosamund Reece
Councillor S Ahmed
Councillor S Singh Kang
Councillor Sanjai Kohli
Councillor Sarfraz Khan
Hynes Optometrists
Iceni Projects
Indigo Planning Ltd
Inland Homes
Institute of Sikh Studies
Island Triangle Resident's Association in North Acton.
J D Asset Management Plc
Japan Services
Jay Ashall Associates
Jehovah's Witnesses
JIG UK Ltd
Jinah School of Urdu
John Rowan & Partners
Jones Lang LaSalle
Kevin Scott Consultancy
Khudamil Ahmadiyya Association
Kings Fund
Kingsdown Residents Association
Kirkwells
Knight Frank
Lamborn Close Residents Association
Landmark Information Group
Legal & General Assurance Society Ltd c/o Burnet Planning & Development
Leonard Tridgell Associates
Levvel Ltd
Lewis Trust Group
Linden Homes Chiltern
Live Dubai Ltd
London Anglican
London Diocesan House
London First
London Motorcycle Museum & Ravenor Farm Community Association
London Planning Practice
Look Ahead Housing and Care Ltd
Lynne Evans Planning
Maddox & Associates Ltd
Manhattan Lofts Corporation
Manor Residents Association
Mason & Partners Commercial Property Consultants and
Mavenplan
Mayfair Investments
Medway Parade Traders and Resident's Association
Metropolis PD Ltd
Metropolis Planning and Design
Middlesex Property Management Ltd
Milap Day Centre
Mono Consultants Ltd
Montagu Evans
Muslim College
Nathaniel Lichfield and Partners (NLP)
Neighbours Paper
Network Housing Group
North & South Residents Association
North Greenford Residents Association / Halsbury Action Group
Northfields Independent
Northolt Village Community Centre
Northolt Village Forum
Office of Government Commerce (Property Advisers to the Civil Estate)
Old Oak Common Conservation Area Panel
Oldfields Circus Traders
Park View Residents Association
Parkridge Holdings
Parsons Brinckerhoff
Peacock & Smith
Pegasus Group Ltd
Perivale Residents Society
Permission Homes North London
Persimmon Homes Thames Valley
Peter Pendleton & Associates
Pinset Masons
Pitsshanger Community Association
PJ Planning
Planning Perspectives LLP
Planning Potential
Planware Ltd
Polish Community Centre
PP Services Ltd
Questors
R.G Elms & Son Ltd
Rail Freight Group
Ransome & Company
Rapleys LLP
Ravenocean Ltd
Ravenor Park Residents Association
Red and White Design
Rex International Ltd/ Pension Fund
Robert Brett & Sons Ltd
Royal Bank of Scotland
Royal Mail Group Ltd
RPS Planning
RSG
Sainsbury's Supermarkets Limited
Saloria Drawing Services
SARAG
Save Ealing's Open Space
Save Trees In Gunnersbury
Savills
Scope
Scott Brownrigg
Scott Planning Associates Ltd
Segro
Selborne Society
Shaa Road Residents Association
Sharan Properties Ltd
Shepherds Bush Housing Group
SHLAP (Stop Horn lane Pollution)
Smith Jenkins Limited
Society for the Protection of Ancient Buildings
Society of Afghan Residents
Somali Community Association - Southall
Sorbon Management Ltd
Southall Black Sisters
Southall Church of God
Southall Community Alliance
Southall Day Centre Ltd
Southall Local History Society
Southall Merchants Association
Southall Rights
Speer Dade Planning Consultants
SQW
SSA Planning Limited
St Alban's Community Association
St Benedict's School
St Catherines Court (Chiswick) Ltd
St Stephens Residents Association
St. James's Investments
St. Modwen Properties Plc
Stewart Ross Associates
Strutt and Parker
Taurus Developments Limited
Terence O'Rourke
Tetlow King Planning
Thames Honda Ltd
Thames Valley Housing
The Barton Willmore Planning Partnership
The Boathouse
The Brentham Club
The Carphone Warehouse plc
The Charity of William Hobbayne
The Covenant Movement Ealing
The Ealing Club
The Garden History Society
The Georgian Group
The Grange Residents Association
The Grove Residents Association
The Lawn Tennis Association
The Lawns Residents Association
The London Gypsy and Traveller Unit
The Mill
The National Federation of Gypsy Liaison Group
The Open Spaces Society
The Park Community Group
The Twentieth Century Society
The UNITE group plc
The Victorian Society
Thomas Wrenn Homes Ltd
Tibetan Community
Toplocks Residents Association
Town and Country Planning Association
Townhouse Developments Ltd
TR Suterwalla & Sons Ltd
Tramore Properties Limited
Traveller Law Reform Coalition
Triangle Group
Trimmer CS
Turley Associates
Turnberry Planning
Twyford Ave Sport Grnd Residents Association
United Anglo Caribbean Society
United Anglo-Caribbean Society
United Development Ltd
University of Leeds
URPS
Vikas Intercontinental Developers
Vincent and Gorbing
W Morrison Supermarkets PLC
Walpole Residents Association
Walpole Residents Association & Ealing Green Conservation Panel
Warden Housing Association
Warwick Road Residents Association
Wasps FC amateur club
Wendover Court Residents Association
Wesley Estate Residents Association
West Acton Residents Association (WARA)
West Ealing Neighbours
West Indian Saturday School
West London Alliance
West London Business
West London Tamil School
West London YMCA
West Twyford Residents Association
Westfield Property Consultants
Weston Housing Association
Westminster Interfaith
Westway Housing Association
Wildberry Nature Reserve Community Group
William Hardman Associates
WLH Estates
Womens Development Agency
Womens Institute
Womens Pioneer Housing Ltd

Local Residents
A Edwards
A Fraser
A Laver
A. C Pitt
Adrian March
Alan Murray
Alan Taylor
Alison Martin
Allison Franklin
Amanda Christine
Amanda Hodder
Andrew Brennan
Andrew Caramba-Coker
Andrew Jones
Andrew Russell
Andy Pedley
Andy Turner
Angela Hailstone
Anil Anandan
Anna Whitty
Anne Boundford
Anthony Elley
Avtar Uppal
Ayesha Sengupta
B Collins
Balbir Aujla
Belinda Joyce
Ben Owen
Beryl Pankhurst
Beti Allocco
Bill Wolmoth
BKP Grabowski
Bob Reid
Bob Roscow
Brian Cheetham
Brian Grant
C A Pearce
C Trimmer
Camilla Marriot
Carl Cullingford
Carol Woolner
Caroline Greenwood
Catherine Inger
Catriona Lindsay
Carl Cullingford
Carol Woolner
Camilla Marriot
Carl Cullingford
C A Pearce
C Trimmer
Freedman
Farah Bhatti
Faris Manshi
Fiona Grabowski
Fiona Sutcliffe
Fiona Thorn
Francesco Fruzza
Garabed Sahakian
Gavin Heighton
George Butlin
George Murphy
Gerald McGregor
Gill Meacock
Gillian Burton
Gordon Chard
Guy Fiegehen
H. P. Wilkes
Harry Alvarez
Harsev Bains
Helen Atkinson
Helen Hirst
Ian Wootton
Ivan Jones
J. Ansell
J Ashley
J. Humphreys
J. Matthews
J Trimmer
James Kelly
Jamie Powell
Jane Greenberg
Jane Judge
Jane Shirley
Janet Sacks
Janet Smith
Jay Dasani
Jeremy Butler
Jeremy Goates
Jeremy Thorpe-Woods
Jessica Rose
Jill Williams
Jimmy Carroll
Jocelyn Ridley
John Gavin
John Gwynne
John Blackmore
John Harrison
John Hazlehurst
John Koski
John Krol
John Powell
John Rundell
John Sweetman
John Templeton
John Winslow
John Wright
John Zylinski
Johnny Rizq
Jon Allen
Jonathan Mead
Jonathan Norris
Judith Dove
Judith Fielding
Judith Paris
Julian Payne
Julie Kaiser
K Patterson
Karen Maxwell
Karina Sarafian
Kate Woolven
Kathleen & Tom McNerney
Kathy Brooks
Kevin Newson
Kieran Rushe
Kris Juraszek
Kulwant Singh
L Read
L Woodcock
L.S.P Tymms
Laura Brennan
Leslie Mostkow
Linda Harakis
Linda Kouparis
Lindley Mortimer
Lorraine Dennis
Lorena Martin
Lorna Dodd
Louise Murray
Lynn Scivener
M Hartley
M Marcangelo
M Roth
M Williamson
Maggie Maguire
Maggie Wilson
Malcolm Ede
Margaret Sherrin
Maria Martinez-Orantes
Marie Somerville
Marisa Merry
Mark Harrington
Mark Langley - Sowter
Mary Hall
Mary Mecook
Matthew Winslow
Maureen Ontano
Maureen O'Sullivan
Melanie Squire
Melvyn Green
Michael King
Michael Kuaffmann
Michelle Everitt
Mike Jordan
Miss Swan
Mohamed Bennadi
Mohamed Khalil
Mohinder Singh
Mr and Mrs Gallone
Mr Bhasin
Mr Harding
Mr Irwin
Mr Warner
Mrs Gratus
Mrs Thompson
Mrs Wiltshire
Ms Saultrie
Nancy Duin
Neal Wills
Neville Smith
Nicholas Henderson
Nick Blong
Nick Woolven
Nicola Kavanagh
Nicola Smith
Nigal Timmins
O Marke
Odile Ryan
P Agate
P Davies
P Jones
Paola Turner
Pat McNair
Patricia Baxendale
Patricia Bench
Paul Gibson
Paul Smalley
Paul Tierney
Paula Firstbrook
Penny Newlands
Pete Grist
Peter Eversden
Peter Davies
Peter Nolan
Peter Turner
Phil Kinn
Philip Bubb
Philip Thomas
Philippa Bird
Philippe Bruyer
Phill Martin
R J Collins
R Taylor
Rachel Westall
Randall Wright
Ray Goodearl
Ray Wall
Rebecca Daniels
Richard Barnett
Richard Chilton
APPENDIX 2: REPRESENTATIONS SUMMARY
**On behalf of:** Ealing Cycling Campaign

<table>
<thead>
<tr>
<th>Representation:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The draft Residential Gardens SPD relies on the following standard for private space:</td>
</tr>
<tr>
<td>“a minimum of 5 sq m of private outdoor space for 1-2 bedroom units and an extra 1 sq m for each additional occupant (Housing SPG Standard 4.10.1).” This implies that the council are confident that the number of residents in a new or converted dwelling can be determined in advance. However at last year’s DPD inquiry, ECC suggested that the number of cycle parking spaces in new residential development should be determined by the number of residents. The council’s response on this matter (DM11(1)) included the following statement:</td>
</tr>
<tr>
<td>“The suggested amendment relating to the number of residents in each residential unit would not be reasonable or enforceable as the number of residents per residential unit is not controlled by the planning system. Also the number of residents may change over time as the circumstances of the inhabitants change.” Please would you confirm that this rebuttal no longer applies. This is not just a forensic point – the Further Alterations to the London Plan document is currently out to consultation and ECC will be making representations on the proposed residential cycle parking standards, asking that one space be provided per resident.</td>
</tr>
<tr>
<td>Council response:</td>
</tr>
<tr>
<td>Noted. In terms of a quantitative provision, the need for garden space is best determined having regard to a variety of factors, which relate to the wider context and the specific detail of the scheme. For residential uses central to any determination of/calculation of need will be the size and mix of units created. Whilst it is accepted that this is not an exact science, the size and mix of units are typically a key determinant of overall occupancy levels, and given that occupancy levels are likely to inform the need and use of space, its use for calculating the qualitative provision of garden space is considered appropriate. Moreover it must be noted that the standards referred to derive directly from the London Plan Housing SPG and have already been tested and adopted. It is acknowledged that whilst the Planning System can inform design and therefore likely occupancy, in most circumstances it can't ultimately regulate how many people occupy a building. It is proposed that reference is added to the GLA's recently developed population yield calculator, which could be used to assist in determining occupancy levels.</td>
</tr>
<tr>
<td>Proposed changes:</td>
</tr>
<tr>
<td>Additional text is proposed which directs the reader to the GLA's recently published population yield calculator.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>On behalf of:</th>
<th>Ealing Cycling Campaign</th>
</tr>
</thead>
<tbody>
<tr>
<td>Representation:</td>
<td></td>
</tr>
<tr>
<td>On page 10 of the draft Residential Gardens SPD, 5 lines from the bottom, specific reference is made to parking at the front of dwellings. It is not clear whether this refers to car or cycle parking, so we suggest the wording be changed to “and helps to reduce the visual impact of any off-street car parking or cycle storage at the front of dwellings.” Where garden space at the front of a residential dwelling is to be used for storing a</td>
<td></td>
</tr>
</tbody>
</table>
means of transport, cycle storage should normally have a prior call over car parking unless equally convenient cycle storage is available elsewhere at the front of the dwelling. This could be enforced by including the following at the end of page 10: “An application for a dropped kerb to allow car parking in a front garden will not normally be approved unless adequate cycle storage is in place, in at least as convenient a location as the car parking.”

We realise that dropped kerb applications are dealt with in a different council department from planning enforcement. However the SPD would seem the most appropriate place for this policy to be set out, as cycle parking standards are set by the planning authority.

Council response:
Noted. Reference to ‘off-street’ parking in this instance could be taken to include both parking for cars and bicycles, although it is acknowledged that space for car parking is likely to have the greater visual impact on the front of the property. The purpose of this SPD is to guide the design of new garden provision however. Whilst this might overlap with parking design, it is not the intention of this guidance to regulate the nature of parking. With regard to the design of front gardens (where provided), the guidance seeks to minimise the extent of hardstanding.

Proposed changes:
No change.

Rep: RG02 (1 of 1)  Name: Rosanna Fullerton

On behalf of:

Representation:
This consultation document leaves too much scope to being interpreted by the developer.

I note that the March ‘Around Ealing’ had an article, Growing awareness. In this it promotes the benefits of green gardens spaces for animals, clean air and helping to combat global warming.

I would go on to add that with the increasing pressure on household budgets, gardens also provide an area when families can grow fruit and vegetables and it is an area where children can play safely as well as an outdoor space to entertain.

I filed the RHS The Garden magazine January 2008 where they quoted ‘there are about 15 million gardens in the UK. Domestic gardens make up the largest area of green spaces in British cities, some 15 percent of their total land area. In residential areas, gardens may account for more than 60 percent, providing a vital (yet, until recently underestimated) resource for wild life’.

It is now becoming perceived wisdom that the loss of front gardens to parking spaces is contribution to both the warming and flooding of our towns. The loss of back gardens can only speed this process up.

I would urge Ealing Councils Planning Department to re consider this document and implement a policy similar to that of our neighbouring borough, Harrow, where they have written special measures to prevent garden development.

Council response:
The benefits of gardens (both front and back) is acknowledged within the guidance. Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan document(s), after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid
policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective and the national presumption in favour of sustainable development. The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation and other similar representations. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, the SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

**Proposed changes:**
To provide further clarity around the scope of this document, it is recommended that the title of the document be amended to read: 'Planning New Garden Space'. A definition of garden land/space is also proposed to be added to the introductory text.

---

**Rep:** RG03 (1 of 1)  
**Name:** Piotr Behnke  
**On behalf of:** Natural England  
**Representation:**
The inclusion of garden spaces with new development in the borough is welcomed by Natural England as this can form part of green chains running through the borough. Not only does this have a benefit for biodiversity but also multiple human
Health benefits can be derived from having access to open space. The use of varied planting, including ponds can help contribute to creation of Sustainable Urban Drainage Systems (SUDs) within the new areas of development, even if these are shared community spaces.

All new development should create high quality locally distinctive places where people want to live and work. Green infrastructure (GI) is increasingly recognised as an essential component of any truly sustainable development, and the most effective means of providing a wide range of ecosystem services for quality of life and health benefits. The National Planning Policy Framework (NPPF) defines GI as “a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities”. In addition, paragraph 109 identifies the importance of establishing coherent ecological networks that are more resilient to current and future pressures. GI should be an integral part of the design of major development sites and NE would welcome a GI-led approach to a site’s design.

**Council response:**
Noted and agreed. The role of gardens in GI networks and green chains should be promoted where both the design of the space and siting could contribute to these objectives. Whilst this should be explored for all scales of development it is recognised that the greatest opportunity probably exists in the case of strategic proposals.

**Proposed changes:**
It is proposed that a new principle (7) be added, which seeks to ensure that the layout and design of gardens contributes to green networks/chains where appropriate:

*Siting, layout and design should where appropriate contribute to the establishment of Green Infrastructure (GI) networks

Whilst much garden land is privately owned and not accessible to the public, gardens can make an important contribution to the function and quality of Green Networks/Chains, and particularly in relation to the movement of wildlife. Where new garden provision is being provided/designed, and this adjoins/forms a link in a wider green network/chain, both the layout and landscaping treatment should be designed to maximise such connections. Policy 5.11 of the Development Management DPD also requires that Green Roofs should be provided on major developments that fall within 100m of designated open space, and this might form a key element of the overall design scheme.

**Rep: RG04 (1 of 1)**  **Name: Cllr Ian Potts**

**On behalf of:** Ealing Broadway Ward

**Representation:**
I have read the draft policy document on residential gardens and believe it could do with strengthening.

Firstly I think we should include a general presumption against “Back Garden Development”, we would need to include some definition of back gardens and I would suggest “a garden which cannot be approached other than through the frontage of an existing property.

Secondly, I note the comment with regard to the London Housing SPG on Private Outdoor Space and the comment that this is a minimum however we are all aware that developers tend to treat minima as maxima and so we should add something
like “This is a minimum which must therefore be exceeded and the council would normally look to a provision of 20 sq. metres per person.”

**Council response:**

Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan document, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective.

The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It is proposed that a definition of garden land be added to the opening text. A distinction is not made in this definition to back, front, side or roof gardens because gardens can clearly take a number of forms, and the guidance and associated policy seeks to achieve certain principles irrespective of the location of this space in relation to the building. Specific reference is however made to front gardens, in recognition of their significance to the setting of the property. The guidance is clear that the London Housing SPG requirement of 5 sq. m. is a minimum, and that this provision will typically be supplemented by additional space, which can take the form of additional garden space or public open space dependent on the specific needs/circumstances of the site and locality.

**Proposed changes:**
On behalf of: Hanger Hill Estate Ealing

Representation:
The most recent similar SPD, having been published by the London Borough of Harrow, last year, which has been very well received by those interested in wishing to preserve the leafy environment of Harrow’s residential estates.
For the last 28 years, we have been assisting residents of the Borough, particularly in Ealing and Acton, who wish to preserve the leafy environment for which Ealing is known and which gave rise to Ealing’s proud title as “Queen of the Suburbs”. During the latter part of the 1980s, a considerable number of ‘backgarden/backland’ development proposals started coming in, which were resisted by the existing residents of the neighbourhood.- See the 8 Longfield Road case. This backland development was prevented by legal action in the High Court and Lands Tribunal (1987 - 1991).
It is against this background that we previously campaigned for the protection of gardens, and a number of policies were introduced starting in 1989/early 1990s
The introductory words in the UDP (January 1998), Chapter 9 page 9.15 stated: “The Council is particularly concerned that the pressure for residential infilling does not lead to a proliferation of backland development, destroying much needed garden space and the character of the area”. Policy H26 stated: “Any loss of garden or other green space around existing buildings will normally only be permitted if the development results in a compensatory benefit for the local area in environmental and landscape terms, and safeguards the amenity of the local area.”
There were restrictions allowing only single storey buildings or maximum 2-storey houses in backland locations, but only where such development was thought to be acceptable in the first place. Similarly there was a lower density restriction, and a number of other policies which were basically aimed to prevent intrusive backland developments, usually being of garden land. In LB Harrow, in their Gardens SPD (April 2013), they give typical examples of garden land development on page 12 of that document (provided).

Council response:
Noted.
Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan document, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective.
The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future
occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, Harrow's SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

**Proposed changes:**
A short section (4) on existing gardens is also proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens: 'Whilst this guidance is principally targeted at new garden provision, the qualitative standards outlined in policy 7D and the key design principles promoted above in relation to new provision, provide a useful measure from which to determine the appropriateness of change in relation to existing garden provision. For example, when dealing with a proposal involving the loss of part of a garden it will be necessary to establish whether the resultant development brings the existing garden area below current quantitative standards or undermines the quality of the original space contrary to the principles outlined in guidance above, and policy 7B of the Development Management DPD. It will be necessary to demonstrate for example whether the original garden area remaining is still of functional value, and an appropriate level of privacy is retained. A proposal involving the reconfiguration of existing garden space resulting in a small, poorly shaped, overlooked and overshadowed garden serving the existing neighbouring unit(s) is unlikely to be acceptable, and this guidance provides a useful means to judge this. Similarly the contribution of existing gardens to the form, function and structure of areas requires careful consideration when judging proposals which alter the existing provision.'
Over the years, generally, Ealing Council’s Planning Committee has recognised residents’ wishes to protect the special character of Ealing (which has a tree on its Council notepaper, not a bulldozer), and even in very recent times, with renewed pressure from garden-grabbing, both Councillors and The Planning Inspectorate have been sympathetic to the wishes of residents when backgarden/backland development have come up, from time to time. There are quite a number on instances we could provide, but there are some quite recent cases to which we like to draw your attention.

These were the words of the (then) Planning Minister, Greg Clark, when he stated on 9th June 2010:

'For years the wishes of local people have been ignored as the character of neighbourhoods and gardens have been destroyed, robbing communities of vital green space. It is ridiculous that gardens have until now been classified in the same group as derelict factories and disused railway sidings, forcing councils and communities to sit by and watch their neighbourhoods get swallowed up in a concrete jungle. Today I am changing the classification of garden land so councils and communities no longer have their decisions constantly overruled, but have the power to work with industry to shape future development that is appropriate for their area. This is just the start of wholesale reform I want to make to the planning system, so councils and communities are centre-stage in a reformed system that works for them, and is not just a tool of top-down policy.

I am today implementing the commitments made in the Coalition Agreement to decentralise the planning system by giving Local Authorities the freedom to prevent overdevelopment of neighbourhoods and 'garden grabbing'.

The impact of the old policy approach, set out in Planning Policy Statement 3, is that the combination of a national target for brownfield land, alongside the definition of gardens as brownfield land, has meant local authorities feeling forced into granting planning permission for unwanted development on garden land - simply to maintain the brownfield target.

To bring an end to these detrimental effects, we are today therefore removing gardens from the definition of previously developed land’

These above words follow several years of campaigning by Councillors and MPs of all parties against garden-grabbing and the like. As to “Brownfield” land, this should be developed before “Greenfield” land, but if these 2 categories are treated the same, as some have suggested should be the case, what would have been the purpose of the Minister’s statement in the first place?

If is was a question of merely “harm” being established in planning terms, then whether it was “Brownfield” or “Greenfield” land would make no difference, and therefore we say that “Greenfield” should be protected more strongly than has been the case in the Planning Department of late in our Borough and this should not just be left to the wise counsel of the Members of the Planning Committee to see that right is done.

Garden land is “Greenfield” unlike "Brownfield" land and in townscape terms, garden land very often operates as an important space or gap between the residential properties on two roads at right-angles to each other (such as Gordon Road and Denbigh Road in West Ealing).

Where two roads of houses meet at 90 degrees, as they do in the above-mentioned
case, conventional urban design practice, especially in suburban locations such as this, is to leave a significant gap, usually used as garden space for the houses in the adjoining road. These gaps have the effect not only of marking the change in grain of the development on the two roads, but it also creates an important relieving open space within otherwise built-up street frontages. To build-up the frontage, as is proposed in backgarden corner locations would contradict traditional urban design practice in such areas.

The protection of such garden land allows the potential for planting in back gardens, and providing gaps with tree-lined streets, trees and open natural landscapes. The loss of these green spaces is undesirable and contrived backgarden and corner backgarden developments leave short plot depths and the resulting mean garden areas. This would mean that the new development squeezed in would not, in reality, follow the grain and existing pattern of development.

The NPPF seeks "positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life."

That of course includes ALL people, not just the developer applicants and appellants.

Council response:
Noted. The Council's position regarding backland development is noted in the response above. The Council acknowledges that Garden Land is classified as greenfield land, and in many instances its development will be inappropriate. Nonetheless there will be circumstances when garden development is deemed to be entirely appropriate. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may be entirely appropriate.

The Council are confident that the suite of policies provide ample policy coverage to assist officers in determining the appropriateness of garden land development, and where appropriate guide the form that this development takes.

Proposed changes:
A short section on existing gardens is also proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens:

Whilst this guidance is principally targeted at new garden provision, the qualitative standards outlined in policy 7D and the key design principles promoted above in relation to new provision, provide a useful measure from which to determine the appropriateness of change in relation to existing garden provision.

For example, when dealing with a proposal involving the loss of part of a garden it will be necessary to establish whether the resultant development brings the existing garden area below current quantitative standards or undermines the quality of the original space contrary to the principles outlined in guidance above. It will be necessary to demonstrate for example whether the original garden area remaining is still of functional value, and an appropriate level of privacy is retained. A proposal involving the reconfiguration of existing garden space resulting in a small, poorly shaped, overlooked and overshadowed garden serving the existing neighbouring unit(s) is unlikely to be acceptable, and this guidance provides a useful means to judge this. Similarly the contribution of existing gardens to the form, function and structure of areas requires careful consideration when judging proposals which alter the existing provision.
**Rep:** RG05 (3 of 3)  
**Name:** Victor Mishiku  
**On behalf of:** Hanger Hill Estate Ealing

**Representation:**
In quite recent Appeal Decisions in particular, at 31 Corfton Road, W5, 96 Gordon Road, W13, 33 Amherst Road, W5, Abbey Lodge 40-44, Gordon Road, W5, and 1 Rosemont Road W3, the Planning Inspectors have recognised the value of green open spaces and interfaces with other open spaces (as in the last-mentioned Acton case where the rear garden of 1 Rosemont Road immediately adjoins “Springfield Gardens” Park).

Looking at mere dimensions of gardens is not a helpful way of preserving the local grain in the environment and the best elements of the character of the neighbourhood, and this has been consistently a matter that Planning Inspectors have taken into account. The Draft Gardens SPD alludes to the protection of existing gardens but, at present, does not really go far enough.

Leicestershire City Council said long ago that the most important “open space” in their city was that formed by blocks of residential gardens and that the intrusion of access roads into the tranquil blocks of rear garden areas was destructive of the natural environment.

We would like you to consider strengthening the draft SPD to reflect the views of the Planning Inspectors who have visited Ealing and Acton and have appreciated its leafy settings and environment which local residents treasure. See rep for appeal details.

We urge the Council to add more protection of gardens into planning policies and supplementary guidance documents, as has been recently advocated by Ward Councillors and thus reflecting recent Decisions by both the Planning Committee and The Planning Inspectorate.

**Council response:**
Neither policy or guidance merely focus on quantitative provision only, and qualitative aspects are also covered.

This SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space.

**Proposed changes:**
A short section on existing gardens is also proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens:

"Whilst this guidance is principally targeted at new garden provision, the qualitative standards outlined in policy 7D and the key design principles promoted above in relation to new provision, provide a useful measure from which to determine the appropriateness of change in relation to existing garden provision.

For example, when dealing with a proposal involving the loss of part of a garden it will be necessary to establish whether the resultant development brings the existing garden area below current quantitative standards or undermines the quality of the original space contrary to the principles outlined in guidance above, and policy 7B of the Development Management DPD. It will be necessary to demonstrate for example whether the original garden area remaining is still of functional value, and an appropriate level of privacy is retained. A proposal involving the reconfiguration of existing garden space resulting in a small, poorly shaped, overlooked and overshadowed garden serving the existing neighbouring unit(s) is unlikely to be
acceptable, and this guidance provides a useful means to judge this. Similarly the
contribution of existing gardens to the form, function and structure of areas requires
careful consideration when judging proposals which alter the existing provision.

Rep: RG06 (1 of 1) Name: Ian Carr
On behalf of:

Representation:
I would like you to confirm how your SPD controls items listed below, especially
items 15 and 16. They are items that are taken from previous documents controlling
developments especially with regard to the garden space.
1. There is no unacceptable overlooking of houses and back gardens;
2. Access and car parking areas do not create significant noise and disturbance for
existing residents in adjoining areas, or for those occupying the proposed
development;
3. The design reflects the character of the area, the scale is appropriate to the size of
the site and any problems of overlooking and frontage development reflects the
character of the street scene; or the site is large enough to provide an alternative
design in landscape setting;
4. 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, and
those parts of the gardens immediately adjacent to the buildings, so as to safeguard
the environmental quality of the private garden space;
5. Within Conservation Areas, any published guidelines are followed;
6. The proposal will not form undesirable piecemeal development;
7. The proposal does not create unsatisfactory 'tandem' development;
8. On sites under 1 hectare, density will be based on a net site area excluding any
access roads and will normally not exceed 150hrh with height limited to two storey
houses to reduce overlooking from living rooms;
9. Where a site of 1 hectare or over is surrounded by housing or other development,
housing layouts at higher densities with a mix of dwelling types may be acceptable if
the above criteria i-ix) are satisfied and the design/layout provides for a zone,
immediately adjacent to the existing property, of 10m width of garden or private
amenity space, rather than car parking or road area.
10. Landscaping should provide space for roots and branches of trees to mature
without damage to buildings.
11. In areas with a public open space deficiency, more than the minimum standard of
garden/amenity space should be provided where possible.
12. Residential schemes should allow a distance of at least 21m (70ft) between the
windows of habitable rooms which directly face those of another habitable room, or
windows of any other premises where these give light and outlook to rooms normally
occupied during the greater part of the day or night.
13. New windows within 21m of another facing window including halls, stairways and
non-habitable rooms, shall be non-opening and of obscure glazing, or with a lower
sill not below 1.7m above floor level
14. Roof terraces and balconies will not be permitted where they overlook
neighbouring habitable rooms or garden space.
15. Harm to an Existing Conservation Area: The gardens and green space in the
Hanwell Village Green Conservation Area contribute to the rural feel of the area.
Paragraph 53 of the NPPF states that "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”.

16. I would also like to know what has happened to the amendment of Planning Policy Statement 3 (PPS3) in the NPPF which previously excluded land in built up areas such as private gardens. This was introduced in June 2010 to prevent unwanted garden grabbing by taking gardens out of the Brownfield category. Does this policy still apply?

**Council response:**

Whilst the policies in the Local Plan documents are not intended to be like for like replacements of earlier policies contained in the UDP, where still relevant these are covered through local plan policies, albeit they might take a different form. The criteria outlined in table 5F of the UDP is largely covered as follows:

1. Now covered by policy 7B.
2. Now covered by policy 7A.
4. Now covered by policy 7B and principle 4 of the SPD.
5. Now covered by policy 7C (E7.C.2)
6. Now covered by policies 7B and 7.4
7. Now covered by policies 7.4 and 7B.
9. Now covered by policies 7.4 & 7B.
10. Now covered by principle 6 of the SPD
11. Now covered by policy 7D (see notes to table 7D.2) and this SPD
12. Now covered by policy 7B. Note the Mayor's Housing SPG which advises that such prescriptive standards are now less appropriate (2.3.30).
13. Now covered by policy 7B. Note the Mayor's Housing SPG which advises that such prescriptive standards are now less appropriate (2.3.30).
14. Now covered by policy 7B, although it is acknowledged that some forms of garden provision can result in a reduction of privacy, and its provision should seek to maintain existing levels of privacy. It is recommended that additional text is added under principle 5 which seeks to prevent overlooking arising from new garden provision.
15. Now principally covered by policies 7.4 & &C.
16. As before the NPPF in defining previously developed land excludes residential gardens - see glossary to the NPPF.

**Proposed changes:**

Add new sentence at the end of paragraph under principle 3 as follows: 'To protect the amenity of neighbouring residents such space should also be carefully sited/designed to also minimise its impact on adjoining users. These impacts might include light spill, noise and overlooking.'

**Rep:** RG07 (1 of 2)  **Name:** Christine Eborall

**On behalf of:**

**Representation:**

The six principles underpinning good garden design apply equally to front gardens. Therefore the beginning of the 2nd paragraph of the section about front gardens (Page 10) should read "All the principles outlined above…… “.

**Council response:**

Whilst it is acknowledged that most of the principles also apply equally to front gardens, the achievement of principle 4 is likely to be challenging or even potentially
at odds with good front garden design.

**Proposed changes:**
No Change - A short section on existing gardens is however proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens.

<table>
<thead>
<tr>
<th>Rep:</th>
<th>Name: Christine Eborall</th>
</tr>
</thead>
<tbody>
<tr>
<td>On behalf of:</td>
<td></td>
</tr>
</tbody>
</table>

**Representation:**
Principle 6 of the Draft SPG states that the extent of hard surfacing should be minimised and recognises the important reasons for this. In front gardens it is all too common that the entire front garden is hard surfaced to provide off-street parking (see photo of a recently-built house in W5). The proportion of households in the Borough with three or more vehicles has increased rapidly (a 75% increase between 1991 and 2011 (source: Censuses)). Hence there is a risk that developers will propose that most or all of the front garden space needs to be hard surfaced for parking. This should be explicitly stated as unacceptable.

The SPD should allow a maximum of 20% of the front garden to be covered with hard surfacing, of appropriate permeability and/or with SUDS provision per current statutory guidance. This (20%) is the average extent of hard surfacing in traditional front gardens in the Borough (see Research, www.ealingfrontgardens.org.uk) and therefore is in keeping with existing development.

The SPD should allow a maximum of 20% of the front garden to be covered with hard surfacing, of appropriate permeability and/or with SUDS provision per current statutory guidance. This (20%) is the average extent of hard surfacing in traditional front gardens in the Borough (see Research, www.ealingfrontgardens.org.uk) and therefore is in keeping with existing development.

A further maximum 30% may be covered with cellular paving (e.g. resin type) which can provide hard surfacing for parking but at the same time provide a growing medium for low-growing plants. This will maximise the naturally vegetated area. The remaining 50%+ should be planted with natural vegetation.

The above approach is supported by The London Plan 2011, para. 3.34, which states that “Local approaches to the surfacing of front gardens should also reflect the broader policies of this Plan, including the need for such surfaces to be permeable, subject to permitted development rights”.

It will also set a good example to occupants of existing properties in the Borough, to show how hard surfacing can be minimised while still providing some off-street parking.

**Council response:**
Noted and agreed. Additional text to the section on front gardens will be added which seeks to minimise the extent of hardstanding proposed in relation to front gardens. It should be noted however that this guidance principally deals with the arrangement of new space, and not alterations to existing garden areas. Moreover the more traditional form of houses with exclusive front gardens are now much less common, and accordingly this aspect of policy is likely to be used less frequently.

**Proposed changes:**
It is proposed that a new paragraph will be added under the 'Front Gardens' section which seeks to minimise the amount of hardstanding forming part of any design solution for gardens located to the front of properties: 'Whilst less common these days in relation to new housing design, where exclusive parking is proposed within
the front curtilage of the property, the design of this front garden space should seek to maximise the amount of space which is naturally vegetated, with at least 50% being planted. The remaining 50% or less might comprise a combination of hard surfacing (approximately 20%) and cellular paving (approximately 30%). For further advice see also www.ealingfrontgardens.org.uk.

Rep: RG08 (1 of 1)  Name: Claire Craig
On behalf of: English Heritage

Representation:
As the Government’s adviser on the historic environment, English Heritage is keen to ensure that the protection of the historic environment is fully taken into account at all stages and levels of local planning.

Accordingly, we have reviewed this consultation in the context of the National Planning Policy Framework (NPPF) and its core principle that heritage assets be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations. As a consequence of this review, English Heritage is content to support the guidance, particularly those elements of it that seek to support the conservation and enhancement of Ealing’s local character, including its urban grain.

It must be noted that this advice is based on the information provided by you and for the avoidance of doubt does not reflect our obligation to advise you on, and potentially object to, any specific development proposal which may involve or relate to this or later versions of the guidance, and which may have adverse effects on the environment.

Council response:
Support noted

Proposed changes:
No Change

Rep: RG09 (1 of 1)  Name: Claire McLean
On behalf of: Canal & River Trust

Representation:
We have no comments to make on this document.

Council response:
Noted

Proposed changes:
No Change

Rep: RG10 (1 of 1)  Name: Mr Warner
On behalf of:

Representation:
I am very pleased with this development plan, it is long overdue. Some rear gardens are completely overgrown, as the owners do not maintain them, other rear gardens are covered with various sheds. Front gardens have had hedges and fences taken down to allow in broken down cars and rubbish. I hope that this planning policy will make a tidy and smarter Ealing

Council response:
Noted
**Rep: RG11 (1 of 16) | Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents' Association (EFRA)

**Representation:**
Suggested additions on page 2 (after 1st paragraph)

'As an outer London borough, Ealing has a legacy of suburban housing outside the boundaries of its designated metropolitan, major and district town centres. This suburban designation of much of the borough is documented in Ealing’s Development Management Policy 3.4.B.

A key feature of suburban housing is the existence of front and rear gardens. While the size of these gardens varies according to the nature of the housing, i.e. terraced, semi-detached or detached, a common feature is that these gardens significantly exceed the size of private gardens of equivalent properties in the inner-city. Private gardens form an integral feature of Ealing’s local character and therefore need to be both retained and provided where new homes are constructed in suburban locations.'

**Council response:**
Noted. The Council are cautious about making such general statements, and character is best considered/assessed on a case by case basis. Reference is however proposed to be added to the density typologies outlined in policy 3.4 of the Development Management DPD, to assist in determining character and context. It should also be noted that this SPD primarily addresses the creation of new garden space, and any reference to the current pattern of garden land existing in the borough, is intended to recognise its role in informing the layout and design of new provision.

**Proposed changes:**
No Change

---

**Rep: RG11 (2 of 16) | Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents' Association (EFRA)

**Representation:**
Note - This consultation draft does not address ‘Garden Grabbing’. This subject is likely to assume increasing significance following The Mayor’s publication of substantially increased housing targets for all London Boroughs. We therefore ask that the Council brings forward a separate SPD on this subject, as recommended by paragraph 53 of the NPPF and paragraph 3.34 of the London Plan, which supports “presumptions against developments on back gardens where justified by a sound evidence base.”

We suggest that LB Harrow's Garden Land Development SPD adopted in April 2013 would form an acceptable basis for an Ealing SPD on the subject. LB Richmond’s Development Management policies DM HO 2 ‘Infill Development’ and DM HO 3 ‘Backland Development’, together with their accompanying narrative also provide valuable guidance.

**Council response:**
Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form
of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD.

The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, Harrow's SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

**Proposed changes:**
No Change - A short section on existing gardens is however proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens.

---

**Rep: RG11 (3 of 16) Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Suggested additions on page 2 (after last paragraph)
'It should be noted that other forms of open space, either on or off site, do not provide an acceptable alternative to residential garden space'.

**Council response:**
Noted although disagree. Such a statement is at odds with the Council's approach.
to planning for open space as detailed in policy 7D. This recognises that provision can take a number of forms, and this choice will be determined having regard to the nature of the proposed development and its context. In an area of public open space deficiency for example, the policy is designed to prioritise the provision of new public open space over additional garden space provision.

**Proposed changes:**
No Change

**Rep: RG11 (4 of 16)  Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Note - It would help if the SPD could also remind readers of Ealing’s DM DPD Policy 3.4.B which includes the statement:
Appropriate density ranges in Ealing will normally be:
• Central in Ealing Metropolitan Town Centre,
• Urban in Acton, Greenford, Hanwell and Southall Town Centres, and
• Suburban in the rest of the Borough.
While this refers to London Plan density ranges, this policy statement helps contextualise the locations where Ealing’s expectation that new houses should have 50 sq. m and flats should have 15 sq.m private gardens / private outdoor amenity space should be delivered.

**Council response:**
Noted. Additional text is proposed to figure 1, which describes the process of defining context, and refers to the general density typologies outlined in policy 3.4.

**Proposed changes:**
Additional text added to figure 1 'In order to establish a local context a site based assessment will be necessary, which might as a starting point take the general density typologies outlined in local variation to policy 3.4'.

**Rep: RG11 (5 of 16)  Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Suggested additions on page 4 (Footnote)
'1 These policies together with their accompanying notes can be read in full in the adopted Development Management DPD at….'

**Council response:**
Agreed. New text will be added to the footnote as suggested referencing the accompanying notes

**Proposed changes:**
Amend text to read ‘1 These policies together with their accompanying notes can be read in full in the adopted Development Management DPD at….’

**Rep: RG11 (6 of 16)  Name: Mr James Guest**

**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Suggested additions on page 5 (after first paragraph)
'Local character is a key factor in assessing the appropriateness of the proposed garden and outdoor amenity space. For this reason, balconies, upper storey terraces and winter gardens will not normally be acceptable in locations where they
would not be permitted as extensions to the neighbouring residential properties'.

'There are numerous references to different categories of private and public accessible space in this SPD. In order to clarify matters Table 1 (See rep for table 1), which forms part of this SPD, summarises the circumstances in which the different categories of space apply'.

Explanation: We are experiencing problems on infill sites in residential locations outside conservation areas where the applicants are seeking planning approval for full (not Juliet) balconies and roof terraces, even though the neighbouring homeowners, quite reasonably, would not be allowed to include them as part of home extensions because of overlooking and loss of privacy.

Note: see following illustration in former SPD4

Council response:
Noted. Additional text is proposed under principle 4 which seeks to minimise the potential for overlooking/disturbance arising from new garden provision.

Proposed changes:
New text proposed under principle 4 as follows: 'To protect the amenity of neighbouring residents such spaces should also be carefully sited/designed to minimise its impact on adjoining users. These impacts might include light spill, noise and overlooking.

Rep: RG11 (7 of 16)  Name: Mr James Guest
On behalf of: Ealing Fields Residents’ Association (EFRA)

Representation:
Suggested additions on page 5 (first arrow on diagram)
1. Establish open space need and amount

Council response:
Agreed. New text will be added referencing amount as well as need.

Proposed changes:
Amend text in first arrow (stage) to read ‘1. Establish open space need and amount’

Rep: RG11 (8 of 16)  Name: Mr James Guest
On behalf of: Ealing Fields Residents’ Association (EFRA)

Representation:
Suggested additions on page 5 (1. Establish open space need)
Establish open space need and amount
Determine the policy requirements for open space provision, including garden space, in the development as set out in DM DPD table 7D.2 based upon the number and type of proposed dwellings.

The narrative accompanying Table 7D.2 advises applicants that, “The amount and
The form of provision should respond to the physical context, respecting local character and pattern of building, public space, landscape & topography. This 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.”

The supporting narrative also states the expectation that the minimum London-wide baseline standards should be exceeded in Ealing, with a typical provision of 50 sq. m of private garden space per house and 15 sq. m per flat. Only garden space which is fit for purpose, genuinely private, screened from roads and not permanently overshadowed will count towards meeting the quantitative standards in this policy.

Council response:
Noted. This additional text is considered unnecessary as it merely repeats the notes accompanying the policy, which should be read in the first instance alongside this SPD. The guidance has sought to break the process down into discrete steps, to aid its application. The suggested additional text taken from the policy notes crosses over into a number of the steps, and so inserting this might cause confusion. As noted above the purpose of this section is to describe the process/methodology for determining the type and amount of space provided. It is not considered necessary or appropriate to repeat the actual quantitative standards here.

Proposed changes:
No Change

Rep: RG11 (9 of 16)  Name: Mr James Guest
On behalf of: Ealing Fields Residents’ Association (EFRA)

Representation:
Interface with the London Housing SPG Private Outdoor Space
All new housing is required by the London Housing SPG to provide a minimum of 5 sq m of private outdoor space for 1-2 bedroom units and an extra 1 sq m for each additional occupant (Housing SPG Standard 4.10.1). This is a minimum standard and will be required of all residential development. The narrative accompanying Table 7D.2 in Ealing’s Development Management DPD identifies the expectation that this minimum London-wide baseline standard should be exceeded in (suburban and open grain urban locations in) LB Ealing with a typical provision of 50 sq. m of private garden space per house and 15 sq. m per flat. Typically this will be supplemented by additional space, which can take the form of either additional garden space (private or communal), or public open space (incorporating child play space, allotments or space for active recreation). In certain exceptional circumstances it may be appropriate and preferable to secure a financial contribution in place of space provision. A choice therefore exist in terms of the form that this provision takes which will need to be determined having regard to the specific circumstances of a case and its context.

Council response:
Noted although disagree with proposed text as the approach endorsed is considered to be too rigid and unresponsive to the needs/circumstances of the case. The form that this additional space (beyond the LP baseline standard) will take will be determined having regard to a combination of factors, including a) the pattern/grain of existing built form(including density), and b) the needs of the local context and strategic priorities. There will be circumstances for example where provision of Public Open Space is prioritised over additional private provision, as this responds to
particular needs, and the policy/guidance must be flexible to allow this. Whilst on-site provision will typically be prioritised, off-site space or monetary contributions might be preferable and prioritised in certain circumstances.

**Proposed changes:**
No Change

**Rep:** RG11 (10 of 16)  **Name:** Mr James Guest  
**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Note - Scoping public to private open space ratio
The table, with the use of weighted scales implying that Public Space is an acceptable alternative to Private and/or Semi-Private Space is unsatisfactory and should be deleted.
The circumstances when either / or options might be acceptable should be set out in the text of the SPD, as should the reasons for and components of those options.
Suggested additions on page 6
‘Contributions of land or cash to remedy an existing local Public Space Deficiency will not be an acceptable alternative to complying with Ealing's expected minimum private outdoor open space provision of 50 sq. m per house and 15 sq. m per flat.’

**Council response:**
Noted although disagree. The diagram is intended to illustrate the differing drivers, which can inform the type and mix of open space provided. The diagram is for illustrative purposes only and it is not intended to convey that public open space should necessarily take priority over private space. This is a matter which will need to be judged on a case by case basis having regard to the specific circumstances of the case, its context and the Council's spatial priorities in terms of future provision. Whilst on-site provision will typically be prioritised, off-site space or monetary contributions might be preferable and prioritised in certain circumstances.

**Proposed changes:**
No Change

**Rep:** RG11 (11 of 16)  **Name:** Mr James Guest  
**On behalf of:** Ealing Fields Residents’ Association (EFRA)

**Representation:**
Suggested additions on page 8
Where the provision of public space is prioritised over private/semi-private space, with garden space constituting a smaller element of the overall open space provision, Permitted Development rights will usually be removed by condition. It is not acceptable to provide less than Ealing’s expectation of 50 sq.m per house and 15 sq. m. per flat in those areas of the Borough designated as Suburban in local policy 3.4 B.
In the case of developments within the boundaries of the metropolitan, major and district town centres, the provision of communal and/or public space may be considered as a partial alternative to private/semi-private space, with garden space constituting a smaller element of the overall open space provision. This will only be considered in exceptional circumstances and permitted Development rights will usually be removed by condition.

**Council response:**
Whilst the setting will be a key determinant of the form of opens space, other factors might also be significant. For example in the case of a strategic application, in an...
area of severe Public Open Space deficiency the Council might choose to prioritise the provision of new public open space over additional garden space provision. It should still be possible to achieve this without compromising the need to preserve/reflect established built grain etc.

 Proposed changes:
No Change

Rep: RG11 (12 of 16)  Name: Mr James Guest
On behalf of: Ealing Fields Residents’ Association (EFRA)

Representation:
Suggested additions on page 8 - 1. Gardens should not be leftover spaces. Garden spaces are not just what is left over from the footprint of the building. Just as dwellings should be designed by giving consideration to circulation and the use of spaces, gardens should be laid out with reference to the functional needs of the space for access, use and adequate sunlight. Areas which will be in continuous shade will not count towards garden or outdoor amenity space. Proposals for excessively narrow, irregular or overshadowed garden spaces will be refused. Where space is constrained, innovative design solutions will be promoted, including the utilisation of roof areas to accommodate garden provision. Note - The use of roof areas is unacceptable due to overlooking. The only possibility would be where any roof terrace is set back by some 5 metres from the building’s edge and any use of the roof terrace is conditioned to prevent its use for barbeques, noisy events, etc.

Council response:
Noted. The need to ensure that garden space is not overshadowed is already covered in the text.
As space is limited all opportunities should be explored, include roof areas. The potential for overlooking is acknowledged and so it is agreed that an additional sentence will be added to ensure that this is considered in their design.

Proposed changes:
Amend second paragraph of principle 1 to read: 'Where space is constrained, innovative design solutions should be explored, including the utilisation of roof areas to accommodate garden provision, subject to other amenity considerations being satisfied.'

Rep: RG11 (13 of 16)  Name: Mr James Guest
On behalf of: Ealing Fields Residents’ Association (EFRA)

Representation:
Note: page 8/9 - 3. Private outdoor space should be directly attached to dwellings. This needs to be amplified by:
• The requirement that the lighting of winter gardens is on timers/sensors so that it will not operate when the winter garden is vacated, and that the lights are positioned so that they will be inward facing and not project outwards towards the surrounding residential properties. These problems have emerged with the Barratt’s tower on the Great West Road.
• Something about level access from dwellings – disability etc
Communal / Semi-private Gardens
There needs to be a paragraph about Communal Gardens. This would include the requirement that:
Suggested addition:
Access is provided to the communal garden for all units that do not have an individual garden to the appropriate standard.

**Council response:**
Noted. Additional text is proposed under principle 3 which seeks to ensure that consideration is given to protecting the amenity of adjoining residents when siting/designing new garden space.
Additional text is proposed to address accessible design.
Additional text is proposed throughout covering key principles applying in relation to communal garden space.

**Proposed changes:**
Add new sentence at the end of paragraph under principle 3 as follows: 'To protect the amenity of neighbouring residents such space should also be carefully sited/designed to also minimise its impact on the occupants of these neighbouring dwellings. These impacts might include light spill, noise and overlooking.'
Insert new text covering accessible design - 'The landscape design should also seek to ensure that it be accessible to wheelchair users and other disabled people. Useful guidance on this matter can be found at www.accessiblegardens.org.uk'
Insert new text relating to communal garden provision - 'Where such space is also supplemented by communal garden provision access to the communal area should be secured for all units which do not benefit from enhanced private garden provision'.

**Rep:** RG11 (14 of 16)  
**Name:** Mr James Guest  
**On behalf of:** Ealing Fields Residents’ Association (EFRA)  
**Representation:**
Suggested additions on page 9 - 4. All garden space is at least semi-private
'Users of this SPD are reminded of the narrative in paragraph 2.3.30 on page 70 of The Mayor’s Housing SPG in which designers of garden space are reminded of the need to provide privacy, avoid overlooking and the “useful yardstick” of including a minimum separation distance of 18 – 21 m'.

**Council response:**
Noted - This contribution of gardens to achieving appropriate building separation is covered under principle 2, so far as it relates to preserving built pattern/character. The need to maintain appropriate separation distances in the interests of privacy is better addressed through policy 7B of the Development Management DPD.

**Proposed changes:**
No change

**Rep:** RG11 (15 of 16)  
**Name:** Mr James Guest  
**On behalf of:** Ealing Fields Residents’ Association (EFRA)  
**Representation:**
Suggested additions on page 9 - 5. Garden space should be physically distinct from other functional space
Garden space should be functionally and visually separate, and screened from other spaces such as parking areas, public roads, footpaths, ground floor windows of other residents and circulation space.
Where crime prevention considerations make views into or out of green garden space desirable this may be achieved using low or partial screening of the space

**Council response:**
**Proposed changes:**
Amend Principle 5 to read: Garden space should be functionally and visually separate, and screened from other spaces such as parking areas, public roads, footpaths, ground floor windows of other residents and circulation space. Where crime prevention considerations make views into or out of green garden space desirable this may be achieved using low or partial screening of the space.

**Rep:** RG11 (16 of 16)  
**Name:** Mr James Guest  
**On behalf of:** Ealing Fields Residents' Association (EFRA)

**Representation:**
Suggested additions on page 10 - Front Gardens
'It should be noted that forecourts or front gardens which are primarily for access to the dwelling should not be included in the area classified as private garden space for the purposes of this SPD'
Note - The above is adapted from paragraph 1 of the old UDP SPG 13 and seems to make sense.
Notes:
• There needs to be more about designing out crime and defensible space in this section. It should refer to barrier planting and the inadvisability of car parking areas being positioned up against the windows of habitable rooms.
• There should be a requirement that all hard standing is constructed of permeable materials so that all precipitation will be accommodated within the cartilage of the property.
Note: Sheltered Housing and Residential Care Homes
With an ageing population, and the additional text included in the Draft Further Alterations to the London Plan (see paragraph 3.50b and Annex 5) it would be beneficial if the provisions in the following sections of UDP SPG 13 could be carried forward into the SPD:
• Communal Gardens,
• Gardens for Residential Care Homes,
• Gardens for Sheltered Accommodation.

**Council response:**
Noted. Only space which is fit for purpose, genuinely private, screened from roads and not permanently overshadowed count towards the quantitative standards outlined in 7D. Neither policy or guidance define exactly what form this space might take however, recognising that such space can and will need to be provided in a range of innovative ways. Whilst in certain settings, this might take more traditional forms of individual rear gardens, in other instances roof terraces might be entirely appropriate. Whilst front gardens at ground floor level are unlikely to count towards the quantitative requirements, this space does nonetheless make an important contribution to the setting of the development and its overall sustainability. Accordingly some guidance is provided within the SPD which seeks to address the design of front gardens. It is proposed that an additional sentence is added to clarify that front gardens will typically not count towards meeting the quantitative requirements.
Additional text will be added addressing the surface treatment of front gardens. Separate guidance on residential care homes/sheltered accommodation isn't considered necessary as many of the key design principles outlined in this document are relevant and apply to all forms of residential accommodation. The number of
such application is also small.

**Proposed changes:**
Insert new text under stage 1: 'Whilst front gardens are typically excluded when undertaking such calculations, they do make a significant contribution to the setting of the development'.
Additional text is also added under the 'Front Gardens' section addressing surface treatment.

<table>
<thead>
<tr>
<th>Rep: RG12 (1 of 1)</th>
<th>Name: Mr Richard Chilton</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On behalf of:</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Representation:</strong></td>
<td></td>
</tr>
<tr>
<td>I am concerned that the draft Residential Gardens SPD is not sufficiently specific and will allow substantial building on back gardens. This would both reduce the amount of green space and amenity space in Ealing (for an increasing population) as well as putting pressure on local streets in a way that was never allowed for in their original design. I think it would be better to have a clear presumption against back garden development. I suggest the SPD is revised to follow closely the Garden Land SPD of the London Borough of Harrow <a href="http://www.harrow.gov.uk/info/856/local_plan/842/garden_land">http://www.harrow.gov.uk/info/856/local_plan/842/garden_land</a>.</td>
<td></td>
</tr>
</tbody>
</table>

**Council response:**
Noted. This SPD principally deals with the provision of new garden space. It is proposed in fact to amend the title of the document to provide greater clarity around the scope of this DPD.
Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent on the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD.
The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development.
development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, Harrow's SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

**Proosed changes:**
No Change

---

**Rep:** RG13 (1 of 2)  
**Name:** Mr Anthony Lewis  
**On behalf of:** Ealing Cricket Ground Conservation Area Panel

**Representation:**
The main focus of the draft SPD on Residential Gardens seems to be setting minimum standards as a guide for developers, rather than the protection of existing garden space for local residents. We consider that the document needs to be strengthened considerably so that it robustly protects existing garden land and reassures residents that garden space, including back gardens, will be protected whenever and wherever possible. Ealing is a residential suburban area in outer London and much of its character derives from open spaces, of which residential gardens are an integral part. If we lose these gardens, we lose much of Ealing's special character.

The section on the Policy Context on page 4 refers to three Development Management DPD policies which relate to the provision of new garden space and are thus guidance for developers. This stance is emphasised by the statement that “these policies apply to all new housing units ... “ This theme is taken forward on page 5 where the approach taken is that of a “guide for developers” which starts with “Establish open space need ...” and continues in Figure 1 on page 7.

We consider that there needs to be a better balance in the Policy Context and that it needs to set out in similar tabular form the way in which the LPA will seek to protect existing residential gardens – both back gardens and front gardens. We do not consider the statement in the fifth paragraph on page 2 which mentions that “the principles established in this guidance ... apply equally when determining the acceptability of proposals which impact on existing provision” is strong enough, especially as it is not underpinned by specific policy statements. We fear that it will be too easy for the vague guidance in this statement to be overlooked or ignored in the real world of determining planning applications.

It would be helpful if the approach in the draft Residential Gardens SPD was to start by emphasising ways of protecting the interests of local residents, with a presumption against garden land development, and then to set out - for developers -
the circumstances in which development would be permitted. We consider, for example, that coherent arguments for the protection of existing garden space can be built up around the NPPF’s definition of previously developed land which specifically excludes private residential gardens. This theme can be taken forward by reference to the statement in paragraph 0.1.10 of the Mayor of London’s SPG on Housing which says that “the London Plan provides specific support for protection of gardens where this is locally justified.” This statement is amplified in paragraph 1.1.10 on page 17: “The NPPF, like the London Plan, enables boroughs to resist inappropriate development of residential gardens where justified in light of local circumstances, but does not impose a blanket restriction on such development (NPPF para 53).” Paragraph 53 of the NPPF says that “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.”

It is clear that boroughs can resist inappropriate development of residential gardens, but must show themselves willing to do so, and be robust about it. We do not consider that sufficient support for the retention of existing garden space is provided in the draft Residential Gardens SPD. We consider that there are many reasons for justifying increased support, including the fact that if gardens are not protected the character of much of the borough would be changed. This is sufficient evidence of the harm that would be caused (cf NPPF paragraph 53). We consider that paragraph 1.2.17 of the Mayor’s SPG on Housing endorses this approach: “Private garden land is the enclosed area within a dwelling curtilage from which the public is excluded. The loss of private garden land, especially of back gardens, to infill residential development, highlights the need for a more coordinated and consistent support at the strategic level for the protection of garden land where the existence of a threat can be evidenced locally.”

Council response:
Noted. This SPD principally deals with the provision of new garden space. It is proposed in fact to amend the title of the document to provide greater clarity around the scope of this DPD. Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD. The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of
these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, Harrow's SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

Proposed changes:
To provide further clarity around the scope of this document, it is recommended that the title of the document be amended to read: 'Planning New Garden Space'. A short section on existing gardens is also proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens.

Rep: RG13 (2 of 2)  
Name: Mr Anthony Lewis  
On behalf of: Ealing Cricket Ground Conservation Area Panel

Representation:  
The final section of paragraph 1.2.17 of the Mayor’s SPG refers to “… general policies providing strategic support for garden land protection”, while paragraph 1.12.18 stresses that “gardens can play a number of important roles” which include “enhancing the distinct character of suburban London.”

We are asking for this support at the strategic level now, as we consider that there is ample evidence available locally of the very real existence of the threat to private gardens, especially back gardens, and in particular where these back gardens are on corner or other sites where there is direct access from the rear. After all, London Plan Policy 3.5 says that “boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.” Other boroughs have done this. Let Ealing do it, too.

We consider that in its present form the draft SPD on Residential Gardens is too much of a “developers’ charter” and provides insufficient protection for local residents and local neighbourhoods whose interests should be safeguarded. A better balance between these two objectives is needed before the draft SPD can be considered a robust document. The London Plan allows for this flexibility.
Council response:
Noted and understood, although an SPD itself can not introduce new policy.

Proposed changes:
No Change

Rep: RG14 (1 of 12)  Name: Judy Harris
On behalf of: Ealing Civic Society (ECS)

Representation:

1 - Page 2 of the draft garden SPD summaries the value of open space but omits to mention its prime importance for children’s play, adult recreation and vegetable growing. New provision is thought to be often poorly designed and therefore undervalued. ECS consider this happens where it is too small or PD allows extensions or sheds to be built. Adequate space is required for tree replacement by Ealing LV policy 5.10 and recreation is essential for children's play. We request these important functions are included.

Council response:
Noted, although the text already recognises the value of garden space in providing space for play and recreation. This is considered to encompass a range of activities including children's play and food growing. This SPD seeks to ensure that garden space is adequately designed/sized to accommodate a range of functional needs. The SPD also acknowledges that in the case of new residential development encompassing garden areas, Permitted Development rights will typically be removed by condition. Appropriate landscaping treatment, including tree planting, is covered through principle 6.

Proposed changes:
No Change

Rep: RG14 (2 of 12)  Name: Judy Harris
On behalf of: Ealing Civic Society (ECS)

Representation:

2 - Garden grabbing referred to in para 4 of the draft SPD has been a problem for some time and since the protection provided in the UDP was lost on adoption of the Local Plan, the need for this supplement has been identified. Recently a large number of residents had to petition the planning committee to protect their children’s play area(P/2013/4073) and elsewhere residents had to use long establish restrictive covenants to protect gardens. The minutes of the Local Development Advisory Committee meeting on 11 February record that officers would 'seek clarification of policy and aid understanding of the policy' in relation to garden grabbing in the gardens draft SPD. The document quite evidently fails to meet this commitment. The minutes also noted that it was often difficult to find planning grounds to refuse back land development applications when they were submitted to the Planning Committee, despite a general feeling that such developments were harmful to the amenity of an area, and that Harrow’s policy reflected a rebuttable presumption against such development. It was for these reasons that the Council required a policy and that the guidance should start from the basis of a presumption against such development. We agree with this approach and seek a new policy in the DMDPD but meanwhile propose clarification to the SPG based existing policy.

Council response:
Whilst the Council are aware that other neighbouring boroughs have sought to
introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD.

The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance the character of the street scene and street pattern. Other policies might also be relevant dependent on the context (i.e. if covered by other statutory designations), and the nature of development proposed, and collectively these policies allow us to manage the form of development and where necessary resist inappropriate development. Moreover whilst this SPD principally serves to amplify policy relating to the provision of new garden provision triggered by development, many of the principles outlined in this guidance can apply equally when determining the acceptability of proposals which impact on existing garden provision, either directly in terms of loss of space, or indirectly through altering the quality/value of that space. Accordingly the implementation of a blanket presumption against garden development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted by Harrow, was to ensure that its spatial strategy of delivering growth in intensification areas was delivered, through avoiding its dispersal on sites elsewhere, including garden land. The guidance goes on to clarify that the presumption is not intended to regulate the impact of garden land development on the character of the area, as is being pursued through this representation. In Harrow, as in Ealing, this impact is managed through other policies, and accordingly Harrow's SPD does not provide guidance on such matters. As the presumption is established through policy, Harrow's SPD merely provides an explanation as to why a presumption exists and defines what form of development is covered by the presumption.

Proposed changes:
No Change
3  The SPD quotes relevant policies in the Local Plan, which do not provide guidance on garden grabbing. These include 7D on open space [A. All developments that increase demand for open space will be expected to make an appropriate contribution towards meeting this additional demand, having regard to the standard detailed in table 7D2 below. B Any development adjacent to or neighbouring existing development should seek to enhance and not compromise the character of that open space or its function.] LV7.4 on Local Character […]building pattern is the layout of development including green spaces and planting and the degree of site coverage by built structures. Some areas will be characterised by larger gardens and greater separation between buildings than that which is strictly mandated by design standards…] and 7B Design [A new development must achieve a high standard of amenity for users and for the adjacent uses by ensuring: a –g]. It does not, however, refer to garden space.

Council response:
As noted above, the Council has made a conscious decision not to adopt a presumption against backland development. It should also be noted that if the Council were minded to introduce such a presumption that this could only be introduced through policy rather than an SPD. Policy 7B ‘Design Amenity’ seeks to ensure an acceptable level of amenity for the new and existing occupants, and the achievement of this will impinge on all aspects of the developments design, including both the built form and outdoor space. The achievement of good levels of privacy may necessitate certain separation distances which are achieved through the delivery of adequate garden space.

Proposed changes:
No Change

4 - Ealing’s DM DPD Policy 3.4.B includes the statement: Appropriate density ranges in Ealing will normally be: Central in Ealing Metropolitan Town Centre, Urban in Acton, Greenford, Hanwell and Southall Town Centres, and Suburban in the rest of the Borough. This should be added to policies. While this refers to London Plan density ranges, this policy statement helps define where Ealing’s expects that new houses should have 50 sq. m and flats should have 15 sq.m private gardens / private outdoor amenity space should be delivered.

Council response:
Noted - Additional text is proposed to figure 1 which describes the process of establishing local character, and refers to the general density ranges outlined in policy 3.4. In order to determine the appropriate ratio between public and private space, regard must be had to the need to protect established local character and pattern. This would typically be determined through a site based assessment, although as a starting point regard might be had to the area density typologies outlined in policy 7.4 (local variation) of the Development Management DPD.

Proposed changes:
Additional text is proposed to be inserted into figure 1 which recognises the density typologies outlined in local variation to policy 3.4.
<table>
<thead>
<tr>
<th>Rep: RG14 (5 of 12)</th>
<th>Name: Judy Harris</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On behalf of:</strong></td>
<td>Ealing Civic Society (ECS)</td>
</tr>
<tr>
<td><strong>Representation:</strong></td>
<td>5 - London Plan policy 3.5A addresses the garden grabbing problem directly. “Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified”. Such a move is also supported under the NPPF (para 53).</td>
</tr>
<tr>
<td><strong>Council response:</strong></td>
<td>The London Plan provides the option to introduce a presumption where this can be justified, although this is not a mandatory requirement. Despite this the Council has made a conscious decision not to adopt a presumption against backland development, as detailed above. It should be noted now that if the Council were minded to introduce such a presumption that this could only be introduced through policy rather than an SPD.</td>
</tr>
<tr>
<td><strong>Proposed changes:</strong></td>
<td>No Change</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rep: RG14 (6 of 12)</th>
<th>Name: Judy Harris</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>On behalf of:</strong></td>
<td>Ealing Civic Society (ECS)</td>
</tr>
</tbody>
</table>
| **Representation:** | 6 - ECS would like to see gardens given protection as Green Space in Ealing’s supplementary guidance. Consideration on a case-by-case basis is subject to chance with some applications opposed by petitions from a large numbers of residents so that decisions are political rather than logical justification. The type of justification needed is outlined in the London Plan policy 7.6 f on Architecture [requirement to provide high quality indoor and outdoor spaces and to integrate well with the surrounding streets and open spaces] which is expanded in the Housing Supplementary Guidance where boroughs are required to ensure that children and young people have safe access to good quality, well designed, secure and stimulating play and informal recreation ie ['C Boroughs should:
a undertake audits of existing play and informal recreation provision and assessments of need in their areas, considering the qualitative, quantitative and accessibility elements of play and informal recreation facilities
b produce strategies on play and informal recreation supported by LDF policies to improve access, safety and opportunity for all children and young people in their area]. |
| **Council response:** | Introducing a formal green space designation through the local plan covering all garden land would be unwieldy and extremely difficult to map, administer and manage. It could also be argued that it would be overly onerous on property owners and or be ineffective given that many existing dwellings will benefit from full PD rights. |
| **Proposed changes:** | No Change |
**Representation:**
7 - London Plan Garden Standards is so small that it gives little protection to existing gardens. The minimum standard of 5 sq m. for a unit of 1-2 bedrooms with an extra sq. m. for each extra occupant is not adequate for an outer London borough where children are more likely to be among the occupants and the local character is very dependent on space for privacy and retention of trees or planting of new ones. We do not consider that the standard is adequate for an outer London Borough or that the certain circumstances which may allow the provision of housing without private amenity space are relevant to the pattern of development in this borough. Ealing’s DMD table 7D.2 first and second footnote states these should amount to private amenity space of 50sq m for houses and 15 Sq m for flats. These should be recorded in the SPD as minimum and that provision on balconies must not cause noise or overlooking.

**Council response:**
Both the policy and guidance advise that the London Housing SPG standard should typically be supplemented by additional space, which can take the form of either additional garden space (private or communal), and or public open space (incorporating child play space, allotments or space for active recreation). As the amount of space will be determined and therefore potentially vary on a case by case basis it is neither appropriate or necessary to repeat these figures here.

**Proposed changes:**
No Change

---

**Representation:**
8 - In Ealing’s draft SPD Fig 1 is ambiguous. The scale balance diagram in fig.1 (determining ratio between private and public space) on page 7 is unclear. Most of the borough has a suburban setting where the garden is an important part of the character of the area. Public open space is unsuitable for unsupervised children’s play and in an area of open space deficiency it is important to provide private open space and new public open space, not just enhance some park or allotment further away. Page 6 quotes an extract from London housing SPG in reference to private open space. “in certain circumstances it may be appropriate and preferable to secure a financial contribution in place of space provision”. This would not qualify for children’s doorstep play required in the London Plan under Policy 3.6 and should be qualified by the statement that “in an Outer London borough such as Ealing where children are likely to be accommodated in even small units, some private or semi-private space is essential.”

**Council response:**
Noted. The function of the scale diagram is to recognise that a number of factors may ultimately inform the balance of provision in relation to private and public open space. In many cases the appropriate provision will comprise a mix of private and public open space. The policy is designed to be responsive to the specific circumstances of the case, and recognises that in a London context where space is relatively constrained, that certain types of space might need to be prioritised over others.
With regard to children’s playspace, both the policy and guidance are consistent with the Mayor’s SPG. Neither the policy or guidance substitute the Mayor's SPG, which will remain operational alongside this local guidance. Doorstep play should therefore be secured onsite, in the form of separate standalone provision or through enlarged private/semi-private provision.

**Proposed changes:**
No Change

---

**Rep:** RG14 (9 of 12)  
**Name:** Judy Harris  
**On behalf of:** Ealing Civic Society (ECS)  
**Representation:**
9 - Scoping public to private open space ratio (p6) may need to respond to the specific needs of the site and context but private provision is essential for children’s play and the public open space should be linked to the identification of deficiency which should be part of the Local Plan (London Plan policy 7.18 Cb) and the provision of new space should be followed as set out in the Green Strategy.

**Council response:**
The guidance and diagram in particular are intended to be responsive to the specific needs of the site/context. With regard to public open space provision figure 1 recognises that provision will be prioritised in areas of deficiency.

**Proposed changes:**
No Change

---

**Rep:** RG14 (10 of 12)  
**Name:** Judy Harris  
**On behalf of:** Ealing Civic Society (ECS)  
**Representation:**
10 - The section on design of garden space is useful but to keep urban heating under control and retain local character, please insert “existing trees should be retained where they are in reasonable condition and only replaced where this is essential” in line with London Plan policy 7.21 Trees.

**Council response:**
Noted. It is agreed that additional text should be added under principle 6 which recognises that priority should be given to retaining existing trees where these are evident on site.

**Proposed changes:**
Additional text proposed in relation to principle 6 as follows: 'Priority should be given to retaining and integrating existing trees where these are already evident on site.'

---

**Rep:** RG14 (11 of 12)  
**Name:** Judy Harris  
**On behalf of:** Ealing Civic Society (ECS)  
**Representation:**
11 - Garden grabbing should be avoided without excluding acceptable infill. We consider a specific requirement should be incorporated into the text which prohibits garden grabbing along the lines of the LB Harrow SPD on garden development. Even though there is no reference in LBE’s core strategy (unlike in LB Harrow) We believe that policy 3.6 and the reference in paragraph 3.34 of the London Plan and which describes the importance of back gardens and encourages boroughs to introduce restrictions if they believe they are justified locally gives the necessary powers. Local Plan policies quoted in para 3 above and recent experience provides
Please insert the following:
‘There is a presumption against development on back gardens or other private residential gardens where the existing pattern integrates well with the surrounding streets and open spaces. In any development on backland sites existing trees should be retained or there should be adequate space for their replacement and the amenity of the future and adjoining residents should be preserved.’

**Council response:**
The decision not to adopt a presumption is outlined above. Should the Council be minded to introduce such a presumption then this could only be introduced through policy and not through the SPD.

**Proposed changes:**
No Change

---

**Rep:** RG14 (12 of 12)  
**Name:** Judy Harris  
**On behalf of:** Ealing Civic Society (ECS)

**Representation:**
12 - The reference to front garden design on page 10 makes no mention of the increasing problem of sacrificing front gardens to car parking with the resulting loss of boundaries and off-street parking caused by the creation of crossovers. This practice should be recognised and discouraged by the requirement that at least 50% of the surface area of the front garden should be devoted to planting leaving only less than 50% devoted to hard standing. The hard surface should not drain to the street and the surface should be porous. The London Plan states in Para 3.34 that local approaches to the surfacing of front gardens should also reflect the broader policies of this Plan, including the need for such surfaces to be permeable, subject to permitted development rights.

**Council response:**
The purpose of this SPD is primarily to advise on the design of new gardens, rather than managing change in relation to existing gardens. With regard to the provision of new front garden provision, the guidance seeks to mitigate the impact of off-street parking at the front of dwellings through creating a means of enclosure. Additional text will be added addressing the use of permeable surfaces, which will seek to ensure that at least 50% of the surface area is planted. A maximum of 20% should be hardstanding and the remaining 30% covered in cellular paving.

**Proposed changes:**
The following additional text is proposed to be added: 'Whilst less common these days in relation to new housing design, where exclusive parking is proposed within the front curtilage of the property, the design of this front garden space should seek to maximise the amount of space which is naturally vegetated, with at least 50% being planted. The remaining 50% or less might comprise a combination of hard surfacing (approximately 20%) and cellular paving (approximately 30%). For further advice see also www.ealingfrontgardens.org.uk'.
Representation:
1. Could you please add to this policy document, a section to deal specifically and concisely with the PROTECTION of existing gardens from development. Residents have been asking for this for over two years.
   I understand that this protection applies in Harrow, and that SPD can be used as a model. You do not need to re-invent the wheel.
2. It must say in simple, clear language, that there is an automatic presumption barring the development of residential or commercial structures of any kind in gardens.
3. The bar must also apply to converting or rebuilding existing structures in gardens, (garages, sheds, outbuildings generally) so the converted or rebuilt structure has the same Gross Floor Area and height as the original.
4. PP may be given for uses ancillary to the main house, eg. a modestly sized, low build, domestic greenhouse, garage, child’s play room, swimming pool etc.
5. I have watched with mounting disbelief the constant, never-ending attempts in Ealing’s marvellous Conservation Areas (because new build sells for more money in a nice location) by developers to garden grab.
   Green garden land is a potential building site and also of course demolition of garages and their replacement with 2 and 3 storey houses. Your Department and PINS spend an incredible amount of time, energy and money dealing with this.
   Those resources would be much better spent dealing with things that would substantially benefit all of us. What is the point of shoe-horning expensive houses into back gardens?? Why degrade two of the key reasons - S P A C E and greenery - that makes this such a pleasant suburb?? Why not just stop it??

Council response:
Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent on the form of the proposal and context, such development may also be entirely appropriate. The contribution that garden development can make to meeting housing need is important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD.

The Council has a number of policies at its disposal to assist with managing development on garden land. Locally these include, although are not limited to, policies 7A, 7.4, 7B & 7D of the Development Management DPD. The effective implementation of these policies will ensure that new development does not erode the amenity of existing occupants, whilst securing a high standard of amenity for new occupants. With regard to garden land development, through the application of these policies, consideration will be given to a range of factors, including the need to retain and secure good standards of privacy and amenity for existing and future occupants, including minimising overlooking/overshadowing/noise and disturbance. They ensure that consideration is also given to the need to preserve and enhance
the character of the street scene and street pattern. Other policies might also be
relevant dependent on the context (i.e. if covered by other statutory designations),
and the nature of development proposed, and collectively these policies allow us to
manage the form of development and where necessary resist inappropriate
development. Moreover whilst this SPD principally serves to amplify policy relating
to the provision of new garden provision triggered by development, many of the
principles outlined in this guidance can apply equally when determining the
acceptability of proposals which impact on existing garden provision, either directly in
terms of loss of space, or indirectly through altering the quality/value of that space.
Accordingly the implementation of a blanket presumption against garden
development was not considered appropriate.

It should also be understood that the overriding objective of the presumption adopted
by Harrow, was to ensure that its spatial strategy of delivering growth in
intensification areas was delivered, through avoiding its dispersal on sites elsewhere,
including garden land. The guidance goes on to clarify that the presumption is not
intended to regulate the impact of garden land development on the character of the
area, as is being pursued through this representation. In Harrow, as in Ealing, this
impact is managed through other policies, and accordingly Harrow's SPD does not
provide guidance on such matters. As the presumption is established through policy,
the SPD merely provides an explanation as to why a presumption exists and defines
what form of development is covered by the presumption.

**Proposed changes:**
No Change

---

**Rep: RG16 (1 of 3)  Name: Mr & Mrs James & Karie Clifford**

**On behalf of:**

**Representation:**

We are writing in respect of the above, to provide comments on this draft Residential
Gardens SPD.

The fifth paragraph of the Background section of the draft SPD states:

“Whilst the SPD is primarily written to guide new garden provision triggered by
development, the principles established in this guidance, and the standards set
through policy, apply equally when determining the acceptability of proposals which
impact on existing provision, either directly in terms of the loss of space, or indirectly
through altering the quality/value of that space. “

The aim of this SPD is at the heart of the issue - the focus is on “garden provision
triggered by development”. It does not address, in any meaningful way, existing
gardens and the particular considerations that apply to these. The statement above
asserts that the principles set out in the guidance apply to existing gardens;
however, these “Principles underpinning good Garden design” (pg.8) simply do not
apply to existing gardens in the same way as for new ones. They are noted below
with our comments against each to illustrate the point:

1. Gardens should not be leftover spaces – One can see how this principle is
appropriate for guiding new development. However, existing gardens have typically
been established for years, especially in those parts of Ealing of Victorian /
Edwardian heritage where substantial gardens were integral to the layout of the
Estates and the plots therein. They are not ‘leftover spaces’.

2. Development should reflect local building patterns layout and site coverage – This
principle deals with new development responding to “…typical building separation
and extent of site
coverage... Accordingly the established urban grain may be an equal determinant in the layout of space.” Clearly, existing gardens already form part of the ‘established urban grain’, so this principle does not apply, except to re-enforce the desirability of maintaining existing gardens as they are, because they are intrinsic to the established urban grain of that area.

3. Private outdoor space should be directly attached to dwellings – In the case of existing gardens this is overwhelmingly the case.

4. All garden space is at least semi-private – In the case of existing gardens, this will have been considered when they were originally laid out. If not, at this stage, it will usually be the responsibility of existing residents to configure the space to best meet their needs. However, where developers propose to build in what was original back garden of a property (also known as ‘garden grabbing’), in almost all cases it becomes more difficult for the remainder of that original garden space to maintain what privacy it does have.

5. Garden space should be physically distinct from other functional space – Again, this principle most obviously applies to the design of new garden space, rather than existing garden space, and new proposals will seldom impact this aspect of existing gardens.

6. Planting treatments should be an integral part of garden space design – The principles set out here are comprehensive and sound. They are applicable to existing gardens in an aspirational sense; however, owners / residents will usually make their own decisions about the landscaping of their gardens and will not be required to adhere to this principle. So new proposals will be unlikely to impact this aspect except to make good any damage, or by way of compensation.

Therefore, it is clear that the 6 principles set out in the draft SPD, are, on the whole, not especially helpful in considering the impact of new development on existing gardens. This is particularly true in the case of garden grabbing, which the Council acknowledges to be a big issue in Ealing: “Pressure for new housing and other development can also mean that existing garden provision is threatened/compromised by inappropriate development….The latter often referred to as ‘Garden Grabbing’ has been the focus of considerable attention of late.”

Council response:
Whilst this guidance is principally targetted at dealing with new garden provision, many of the key design principles promoted in relation to new provision, and the quantitative standards, provide a useful marker from which to determine the appropriateness of change in relation to existing garden provision. For example when dealing with a proposal involving the loss of part of a garden area, it will be helpful to establish whether the proposal brings the existing garden area below current quantitative standards, or changes the quality of original garden space contrary to the principles outlined in the guidance. In this regard it will be necessary to establish whether the proposal undermines the quality/functional value of the original garden area remaining. Many of the design principles which apply to new provision therefore also apply. For example it will be necessary to demonstrate that the original garden area remaining is still of functional value, and an acceptable level of privacy is retained. A proposal which results in a very small overlooked garden serving the existing neighbouring unit(s) is unlikely to be acceptable, and the guidance provides a useful measure to judge this.

Proposed changes:
A short section on existing gardens is proposed to be included which reiterates the role of the guidance in informing change in relation to existing gardens.

**Rep:** RG16 (2 or 3)  **Name:** Mr & Mrs James & Karie Clifford

**On behalf of:**

**Representation:**
Certainly, it is of great concern to residents who strongly oppose the destruction of Ealing’s heritage of open spaces and trees. Many years ago (June 1990), the “Petition of 5000” was presented to the Chairman of the Town Planning Committee, calling on the Council, among other things:

- To stop the so-call “back garden” developments involving chopping bits of gardens off to form a new building site and using gardens as access roadways.
- To introduce new policies to conserve the older-developed parts of the Borough, and to protect the gardens of Ealing from being built over.

In September last year, planning permission was given to build two houses in what was the back garden of two houses on Corfton Road (currently occupied by garages). This was a travesty, especially as this is a site where 2 Conservation Areas join and, in designating Conservation Areas, the Council acknowledges that the area is deemed worthy of special protection. Unfortunately, not in this case. The proposed new development would alter forever open aspects in this area, plot layout and character. In this, and other cases of proposed back garden development, scores, and even hundreds, of local residents have voiced their concerns and objection. It is very clear that residents see these as being inappropriate development in Ealing. More recently, the Planning Committee has refused to grant recommended planning permission for back garden developments (e.g. 33 Amherst Road PP/2013/5168, and 96, Gordon Road PP/2013/2410). Similarly, the Planning Inspectorate has refused to grant permission for back garden development (e.g. 31 Corfton Road, APP/A5270/A/13/2198454 11/12/2013, where the Inspector noted “…characteristics of the area is, for the most part, the relative lack of development in depth of any scale. The rear space behind the road’s properties come together to form an established pattern and an environment of space and greenery.”

Ealing’s open spaces are precious and should be preserved from overdevelopment. When they are built on, they will be gone forever. Cllr Young has noted that Ealing is running the risk of becoming an increasingly urbanised borough. In a communication to Ealing Broadway residents on 5th March 2014, he stated “I am even more strongly of the belief that the time has come to alter our Borough plan, as Harrow has already done to theirs, to mitigate against the use of back gardens for new houses.”

Similarly, Ealing Liberal Democrats of have put this issue high on their ‘Top Ten Liberal Democrat Actions’ in their manifesto agenda, i.e. ‘Protect green spaces & prevent “garden grabbing”’

**Council response:**
Whilst the Council are aware that other neighbouring boroughs have sought to introduce a presumption against development on back gardens as part of their Local Plan documents, after careful consideration this blanket approach to policy was not considered appropriate or necessary for Ealing. The introduction of such a rigid policy would prevent us from considering the merits of an individual scheme on a case by case basis. Whilst it is true that some forms of back garden development may be inappropriate and should be resisted, in some cases dependent of the form of the proposal and context, such development may also be entirely appropriate.

The contribution that garden development can make to meeting housing need is
important, and the application of a rigid policy would therefore be contrary to this policy objective. It should also be noted, that if the Council were minded to introduce such a presumption that this would have to be introduced through policy, rather than an SPD.

**Proposed changes:**
No Change

---

**Rep:** RG16 (3 or 3)  **Name:** Mr & Mrs James & Karie Clifford  
**On behalf of:**
**Representation:**
In its introduction, this draft SPD asserts: “Urban domestic gardens represent a significant component of the boroughs urban landscape, and make a real contribution to its character, through shaping local pattern and grain.” It continues “….can add considerably to the quality of the place and make the borough an attractive place to live. Gardens also have a wide range of environmental benefits too …”. Given this clearly stated importance of existing gardens in general, and, in particular to Ealing – the “Queen of the Suburbs”, we would like to see a Residential Garden SPD which goes much further in addressing issues relevant to existing gardens. This is especially important now that policies / guidance in Ealing’s now revoked UDP, which gave some measure of protection of Ealing’s gardens, have not been clearly carried through into the current Adopted Development Management DPD.

The London Plan (2011) policy 3.5A states that “Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified.” This is expanded on in paragraph 3.34 on the London Plan, as set out below:

“Directly and indirectly back gardens play important roles in addressing many of these policy concerns, as well as being a much cherished part of the London townscape contributing to communities’ sense of place and quality of life. Pressure for new housing means that they can be threatened by inappropriate development and their loss can cause significant local concern. This Plan therefore supports development plan-led presumptions against development on back-gardens where locally justified by a sound local evidence base.”

Similarly, the National Planning Policy Framework (NPPF) March 2012, in paragraph 53 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.”

We urge the Council to seriously consider following the example of other boroughs such as Harrow, in introducing a presumption against back garden development when assessing development proposals, and incorporating this into a re-draft of the Residential Gardens SDP.

**Council response:**
Both the London Plan and the NPPF provide the option to introduce a presumption where this can be justified, although this is not a mandatory requirement. Despite this the Council has made a conscious decision not to adopt a presumption against backland development, as detailed above. It should be noted now that if the Council were minded to introduce such a presumption that this could only be introduced through policy rather than an SPD.

**Proposed changes:**  No Change
### Representation:

In the Ministerial foreword to the NPPF it states:

‘In part, people have been put off from getting involved because planning policy itself has become so elaborate and forbidding—the preserve of the specialists rather than people in communities.

This National Planning Policy Framework changes that. By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and communities back into planning’.

However, as usual, this draft SPD does not appear to be simply or clearly written and it would have been helpful to have various tables included.

Basically there are various assumptions made re. garden space that in many cases are incorrect given the way child yield is calculated and who actually inhabits homes. Quite often child occupancy rates are incorrect. For example, flats assigned for the active elderly now contain children and a one bedroom flat can sometimes have three children living in it.

In the 2011 LDF consultation I gave as an example a small park that served numerous newly built developments & as well as the Edwardian & Victorian flats above the local nearby shops.

‘Lack of amenity space for families in units along the Uxbridge Road Corridor

In the Executive Summary of the Development Strategy DPD it states that ‘Ealing’s pattern of attractive green and open spaces will not only have been protected but also enhanced’

Not only have recent and approved developments along the corridor not contained amenity space they have also put pressure on local parks that were supposed to serve the small amount of nearby flats above shops built by the Victorians and Edwardians.

For example, Dean Gardens, a small town park now serves as the amenity space for numerous flats. In the 9-13 Broadway application, virtually adjacent to the park, an S106 agreement was made because 'It is recognised that this is a significant built environment and that the location of Dean Gardens could offset the amenity space required'

The Lido flats

'The proposed rear garden space is unsatisfactory in relation to the council's requirements, but given its limited provision and its location adjacent to Dean Gardens there would be no shortage of amenity value in the scheme.'

28-35 Kirchen Road

‘leading to a shortfall equating to 19 units…Section S106 monies for the other 19 units should be sort for local park improvements’ (Dean Gardens)‘In order to provide play provision off site the Parks section would look to secure one piece of play equipment per 6-10 children.’

However, recently The Planning Inspectorate dismissed a planning appeal with concerns about lack of amenity space and I believe this decision should guide any future applications for high density housing along the corridor.

Decision date 27th September 2010 Appeal ref:APP/A5270/A/10/2125636

‘Whilst there is public open space at Lammas Park fairly close by, and the appellant has completed a planning obligation for a contribution towards the maintenance at Lammas Park, there would be little space on site that would be related to the flats on the upper floors for items such as washing lines, or space outside in the sunshine.'
And, for the 2-bedroom first and second floor flats, if they were to be occupied by families, there would be no outside space for the children to play outdoors close at hand’
In light of this decision I believe that Planning Policy should be strengthened so that developers cannot just use the proximity of a local park to justify a lack of amenity space provision.
However in the Sites document this park can no longer be used for amenity space for future builds. But it is too late for the children who now have to queue to use playground equipment

**Council response:**
Noted. The child yield calculator outlined in the Mayor's SPG is designed to be used as a tool to estimate overall child yield in major residential developments. It is not intended to be used to determine child yield in relation to a single unit, as inevitably the circumstances of such individual occupants will vary, as is demonstrated in the examples given. However for the purpose of calculating overall yield arising from multiple properties the calculator can be a helpful guide. The GLA have also developed a new population yield calculator, which employs borough specific rates, informed by actual sample occupancy data for recently completed developments. Reference to both calculators is included in the SPD.
The type and amount of open space provision should be determined having regard to a range of factors. In an area deficient in access to public open space for example public open space provision might be prioritised. Where public open space does exist in proximity to the development, but the existing space is already overutilised, the provision of public open space might still be prioritised. The policy and guidance also clarifies that financial contributions will typically only be sought where the adjoining open space is in need of investment.

**Proposed changes:**
No Change

---

**Rep: RG17 (2 of 2)**

**Name: Susan New**

**On behalf of:**

**Representation:**
However in the Sites document this park can no longer be used for amenity space for future builds. But it is too late for the children who now have to queue to use playground equipment.
Even more overcrowding of parks will occur if the Borough continues to build high rise blocks of flats.
High rise blocks that are unsuitable for families as stated in the Policy Exchange document-Create Streets-
‘Large numbers of studies show that people in high rise blocks are much less satisfied with where they live, even for socio-economic variables. This is true across societies and countries.
Survey after survey also shows that there is a strong opposition to anything higher than five storeys and that people like private gardens, not communal space.’
The report quotes an IPSO MORI report for RIBA ‘The Way We Live Now’
Re communal gardens-
‘Private gardens were preferred to shared gardens because they were felt to be more suitable for entertaining, domestic tasks and for relaxation.
However the Council continues to approve developments with no private space.
Part of my submission the DM DPD consultation
Open space using the St Bernard's applications as examples
I used examples in my Core Strategy submissions from recent developments with regard to lack of open space but these recent applications also demonstrate the under provision of private usable amenity space and playspace. These two applications represent over 500 units and although there are some communal areas the residents are expected to use the public open space (across a busy road) where supposedly the £60,000 of S106 money will be invested. The under provision of playspace amounts to a contribution of £75,000. But where will the playspace be? It should be on site.
My problem with Policy 7D is that developers can justify a shortfall by paying a financial contribution.
Also quite often the financial contribution is not used in a way appropriate or proportionate to the needs of the families actually living in the flats. For example—does one piece of play equipment make up for the lack of play space of 10 children? I believe the Council should make clear in Table 7D.1 that there has to be private & communal—not communal instead of private as currently seems to be the case. There should also be a detailed analysis of the layout of flats so that a balcony can be large enough to be used for something other than storage.
I don’t understand the allotment column in Table 7D.1 given that the waiting list for an allotment is about 10 years & most of them are sited near terraced residential housing & not the sites allocated for development.
Table 7D.2
Active Recreation—I believe the listing of MUGAs as Active Recreation is not relevant. They should be an extra facility rather than the facility. Often they are not used & sometimes they attract inappropriate behaviour. Unfortunately an SPD is only guidance & judging by the forests of flats with tiny balconies & no play space being currently built throughout London, the London Housing SPG is being ignored.
Council response:
Both policy and guidance confirm that physical provision will only be substituted for a financial contribution where the neighbouring park can absorb/benefit from such investment.
Whilst private garden areas will be preferrable for some forms of residential development, for others communal provision might be preferrable. Unless private gardens benefit from direct access to the property they are unlikley to be fully utilised, and so they may not suit all forms of residential development and particularly some forms of flatted development. Some occupants do not wish to maintain private gardens and so accordingly a communal garden might be preferable. Moreover in a London context where space is scarce and densities are higher communal provision might be the only practical option. Financial contributions will only be sought where these can be justified.

Proposed changes:
No Change

Rep: RG18 (1 of 1)  Name: W Thorpe
On behalf of: Representation:
I lack any knowledge of the planning discipline but I have lived in our splendid borough since 1965. I think your draft supplementary planning document is a highly
important paper that will have a beneficial influence. It should be welcomed by all who have Ealing's interests at heart.

To those who question the need for guidance, I have a simple message - look at what happens when residential gardens are relegated to rock bottom priority. When I look out from the back of this house I oversee the communal gardens of 1 Madeley road, W5 2LA. This was originally a fine detached Edwardian family home. The garden comprised vegetable plots and flowers beds and a green house, all kept in good order. In 2002 a developer submitted a planning application for conversion to multiple occupation providing eight dwellings. The private gardens adjoined the building. The communal garden, shown on the 'proposed site plan' was to be landscaped and a 2.0m boundary wall to replace a ruinous existing brickwork. Your officers will confirm that not one of these features has been implemented.

In a surprising new twist, the communal garden took on a new guise one year ago. It became a drying ground 7 days a week, weather permitting with laundry fluttering from an abundance of clothes lines. This operation is commercial. it had no connection with the residents. The 2014 drying season has just begun.

Council response:
Noted

Proposed changes:
No Change
For further copies of this document please contact:
Planning Policy
Ealing Council
Perceval House
14/16 Uxbridge Road
London W5 2HL
Tel: 020 8825 5882
Email: Planpol@ealing.gov.uk
Visit: www.ealinginlondon.com