
Appeal Decision

Site visit made on 24 January 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 January 2017

Appeal Ref: APP/A5270/W/16/3162325

2A Golden Manor, Hanwell, Ealing, London W7 3EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Palama Developments Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2014/6371, dated 9 December 2014, was refused by notice dated 13 May 2016.
 - The development proposed is the demolition of the existing building and the erection of 1 No replacement dwelling, associated parking and landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing building and the erection of 1 No replacement dwelling, associated parking and landscaping at 2A Golden Manor, Hanwell, Ealing, London W7 3EE in accordance with the terms of application Ref PP/2014/6371, dated 9 December 2014, subject to the attached schedule of conditions.

Application for costs

2. An application for costs was made by Palama Developments Limited against the London Borough of Ealing. This application is the subject of a separate Decision.

Procedural Matter

3. For the avoidance of doubt, I have determined this appeal in accordance with the drawings listed in the Council's refusal notice.

Main Issues

4. The main issues are whether or not (i) car parking provision and the width of the vehicular and pedestrian access would be excessive and (ii) the proposal would preserve or enhance the character or appearance of the Hanwell Village Green Conservation Area.

Reasons

Site and proposal

5. The appeal site comprises a detached dwelling located within an established residential area. Immediately to the south of the property is a railway line and to the north is No 2 Golden Manor which is a large detached dwelling. The site falls within the Hanwell Village Green Conservation Area (CA).
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6. It is proposed to demolish the existing dwelling and to replace it with a five bedroom dwelling with associated car parking and landscaping.

Car parking and access

7. The Council's delegated officer report refers to the provision of four car parking spaces, a 5.0 metre wide vehicular access and a 2.4 metre wide pedestrian access. This is in fact incorrect as drawing No 013315-04e shows only two car parking spaces, a vehicular access of 2.4 metres wide and a pedestrian access of about 1.4 metres. Taking into account a PTAL score of 3 (moderate level) and table 6.2 of the London Plan 2016, the proposal would require the provision of two car parking spaces. The proposal therefore accords with table 6.2 of the London Plan 2016 and the car parking provision would not be excessive. Furthermore, the width of the vehicular and pedestrian access points would not be excessive. I note the comments made by the Highway Authority about the position of the cycle storage facility, but these comments seem to be based upon a superseded plan. The position of the cycle storage facility would be close to the proposed dwelling and would be acceptable.
8. For the reasons, outlined above I conclude that the proposal would be acceptable in terms of car parking provision and its overall effect upon matters of highway safety. It would therefore accord with the car parking and highway safety aims of policies 6.3 and 6.9 of the London Plan 2016.

Conservation Area

9. I have taken into account the Council's Hanwell Village Green Conservation Area Character Appraisal 2008 (Character Appraisal). The site falls within the southern character area of the CA and the Character Appraisal refers to the area as being characterised by detailed detached and semi-detached family houses that use traditional materials such as red brick, clay tiles and timber. It states that houses are generally between two and three storeys and that typical architectural features include steep pitched roofs, tall upright chimneys, prominent gables with brick or timber detailing, decorative porches and traditional timber sash windows. Furthermore, properties are generally set back from main roads and there is an overall sense of space around buildings. These features give the CA its distinctive character and appearance.
10. Whilst most of the dwellings in the immediate area are identified in the Character Appraisal (ie Townscape Appraisal Map) as making a positive contribution towards the CA, the appeal property is specifically excluded. The existing property was built in the 1960s and unlike surrounding dwellings it is relatively simple in its appearance and has three large box dormers within its front roof slope. Overall, the existing dwelling does not make a particularly positive contribution to the character and appearance of the CA.
11. The proposed dwelling would be similar in height to the more traditional semi-detached dwellings on the opposite side of Golden Manor and would be lower in height than No 2 Golden Manor which is immediately to the north. In terms of height, I do not consider that the dwelling would look out of place in the street-scene. It would reflect the prevailing scale of development in the CA which is two and three storeys in height.
12. The Council's delegated officer report refers to four proposed dormers in the front roof-slope and an excessive amount of hard standing. However, only two

proportionate pitched roof dormers are proposed for the front roof slope and the amount of vehicular hard standing would be limited to two car parking spaces and a turnaround facility. Furthermore, there would be a small and narrow pathway leading from the main road to the house. I acknowledge that in this part of Golden Manor there are very few dormers. However, there are dormers in the rest of the CA, and, in particular, the existing dwelling includes three relatively large box dormers within the front roof slope. In this context, I do not consider that the two relatively small proposed pitched roof dormers would cause harm to the CA. I acknowledge that Section 5.4(1) of the Hanwell Village Green Conservation Area Management Plan 2008 (Management Plan) states that dormers will rarely be accepted on the side or front of roof slopes, but in this case there is justification for allowing what is proposed. Furthermore, given the size and position of the dormers they would not dominate the front roof slope.

13. The amount of hard standing proposed would not be excessive and in fact would be less than what is associated with the existing dwelling. Most of the site would remain green and open and the plans indicate that there would be new planting around its boundaries. I am satisfied that the proposal would not amount to overdevelopment of the site and that there would continue to be a sense of open space around the building and in between properties. In this regard, I do not consider that there would be any conflict with the aims of Section 5.4(8) of the Management Plan.
14. The dwelling would include pitched timber clad front gables and a pitched roof porch positioned in the centre of the front elevation. The dwelling would be built with red and London stock brickwork walls, and the width of the house would not be significantly different from the average width of dwellings in the immediate locality. Furthermore, the dwelling would be confined to almost the same footprint as the existing dwelling (albeit turned slightly) and so there would be very little change to the current building line in this part of Golden Manor. Whilst the proposed property would not exactly match the design of the properties surrounded it, it would nonetheless incorporate a number of architectural features associated with such dwellings. In terms of its scale, massing and design the proposed dwelling would assimilate better into the wider street-scene than the current property.
15. I do not consider that the use of a crown roof would be unacceptable for this stand-alone detached house: there are others in the wider CA and by opting for such a roof it would ensure that the overall bulk and scale of the property is reduced. As discussed earlier in this decision, the vehicular access would not be uncharacteristically wide and would not therefore cause harm to the character and appearance of the area. The Council's concerns about this matter seem to be based on a superseded plan.
16. When compared to the existing dwelling on the site, which does not make a particularly positive contribution to the character and appearance of the CA, the proposed dwelling would represent an improvement in overall design terms. In scale and massing terms, I consider that the overall effect on the CA would be neutral: the dwelling would be slightly larger than the existing, but it would not be dissimilar in scale to other properties in the immediate area. However, in terms of the appearance of the proposed dwelling, it would incorporate a number of the identified positive architectural features prevailing

in the locality (as outlined in the Character Appraisal). In this regard, the proposal would enhance the character and appearance of the CA.

17. In conclusion, the proposal would both preserve and enhance the character and appearance of the CA. Therefore, the proposal would accord with the design and conservation aims of Chapters 7 and 11 of the National Planning Policy Framework; Policies 7.4, 7.5, 7.6 and 7.8 of the London Plan 2016; Policies 1.1(g), (h), and (k) of Ealing's Adopted Development Strategy 2012; Policies 7.4, 7B and 7C of the Ealing Development Management Development Plan Document 2013; the Character Appraisal and the Management Plan.

Other Matters

18. I have taken into account the representations made by other interested parties. A number of the concerns raised have already been addressed above. Taking into account the separation distances involved, I do not consider that the proposal would cause harm to the living conditions of the occupiers of surrounding properties in respect of loss of privacy or outlook. This is subject to a condition which requires all upper floor windows on the side elevation facing No 2 Golden Manor to include obscure glazing. Reference has been made to a restrictive covenant for the site, but approval of planning permission would not override any restrictive covenants.
19. I have considered the objection received from Network Rail who states that part of the red edged planning application site is in their ownership. However, for the purposes of determining this planning application the appellant has completed a certificate B which confirms that notice has been served on Network Rail. Therefore, it is not necessary for me to consider land ownership matters any further. The grant of planning permission would not override the need to seek any separate land ownership approval from Network Rail.
20. I acknowledge that the habitable room density proposed for the site would marginally exceed the density threshold outlined in the London Plan 2016. However, given the location of the site and its proximity to open space, services and public transport, it is not considered that this breach would justify a refusal of planning permission. The Council reached a similar view at planning application determination stage.
21. None of the other matters raised outweigh my conclusions on the main issues.

Conditions

22. The conditions set out in the accompanying schedule are based on those suggested by the Council. Where necessary, I have amended the wording of the suggested conditions, in the interests of precision and clarity, and in order to comply with advice in the Planning Practice Guidance.
23. Planning permission is granted subject to the standard three year time limit condition. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have therefore imposed a condition to this effect.
24. In the interests of the character and appearance of the area, planning conditions are necessary relating to materials and landscaping. In the interests of the living conditions of the occupiers of the neighbouring property, it is

necessary to impose a planning condition relating to the fitting of opaque glass to the proposed first floor side elevation window facing the No 2 Golden Manor. I afforded the parties an opportunity to comment on these additional conditions and the appellant agreed to their imposition.

25. In order to ensure that the site has adequate on-site car parking provision, a planning condition is necessary which requires that such spaces are provided and retained. In order to encourage more sustainable transport choices, a planning condition is necessary which requires the provision and retention of the bicycle storage facilities. Given the importance of retaining a well-designed dwelling (set within a spacious plot) within this CA setting, and to safeguard the living conditions of the occupiers of surrounding residential properties, I consider that there is exceptional justification for removing permitted development rights. The Council has suggested a blanket removal of permitted development rights which would not be reasonable. I have therefore referred to specific classes of development and have not opted to remove "Class B" permitted development rights as such rights do not exist in conservation areas.

Conclusion

26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would accord with the development plan for the area. The appeal should therefore be allowed.

Daniel Hartley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with the following plans: 1:1250 Ordnance Survey location plan; Drawing No 013315 04e; Drawing No 013315 05b; Drawing No 013315 06b; Drawing No 013315 07b; Drawing No 013315 08b; Drawing No 013315 09b and Drawing No 013315 10a.
- 3) The 2 No car parking spaces shown on the approved Drawing No 013315 04e shall be laid out prior to first occupation of the units hereby permitted and permanently retained without obstruction.
- 4) The refuse storage shown on Drawing No 013315 04e shall be provided prior to the first occupation of the development hereby permitted and thereafter retained permanently.
- 5) The secured and sheltered cycle storage space shown on Drawing No 013315 04e shall be provided and brought into use prior to the first occupation of the development hereby permitted and thereafter retained permanently.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development within classes A, C, D and E of Part 1 of Schedule 2 of the Order shall take place other than as expressly authorised by this permission.
- 7) The building hereby permitted shall not be occupied until the window to the first floor side elevation (facing No 2 Golden Manor) has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 8) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. All hard landscaping shall accord with approved details.
- 9) No development of the approved buildings (to include the dwelling, cycle storage and waste recycling areas) shall take place until the materials to be used in the construction of the external surfaces of such buildings have been submitted to

and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved materials.