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# Appeal Decision

Site visit made on 2 May 2017

**by C L Humphrey BA (Hons) DipTP MRTPI**

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

**Decision date: 8<sup>th</sup> May 2017**

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**Appeal Ref: APP/A5270/D/17/3170850**

**4 Iveagh Terrace, North Circular Road, Park Royal NW10 7DJ**

- 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 Mr Perampalam Selvaratnam against the decision of the Council of the London Borough of Ealing.
  - The application Ref 166388HH, dated 12 December 2016, was refused by notice dated 1 February 2017.
  - The development proposed is an outbuilding and porch.
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## Decision

1. The appeal is dismissed insofar as it relates to the outbuilding.
2. The appeal is allowed insofar as it relates to the porch and planning permission is granted for a porch at 4 Iveagh Terrace, North Circular Road, Park Royal NW10 7DJ in accordance with the terms of the application, Ref 166388HH, dated 12 December 2016, and the plans submitted with it so far as relevant to that part of the development hereby permitted, and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KD/OUT/PP/11/16/I-11.1 Rev R1, KD/OUT/PP/11/16/I-11.2 Rev R1, KD/OUT/PP/11/16/I-11.3 Rev R1, KD/OUT/PP/11/16/I-11.4 Rev R1, KD/OUT/PP/11/16/I-11.5 Rev R1.
  - 3) The materials to be used in the construction of the external surfaces of the porch hereby permitted shall match those used in the existing dwelling.

## Main Issue

3. The main issue is the effect of the proposed outbuilding and porch on the character and appearance of the appeal property and the surrounding area.

## Reasons

4. The appeal property is located in a mixed residential and commercial area at the western end of a short row of 4 semi-detached 2 storey dwellings which face the North Circular Road and back onto Elveden Place.
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5. The proposed outbuilding would be located to the rear of the dwelling adjacent to the southern boundary and would replace an existing outbuilding. Based on the submitted plans, the proposed outbuilding would measure around 8.5m in length by 3.6m in width with a hipped roof of around 4m in height. I note that the proposal has been reduced in size following the refusal of an earlier planning application (Ref 163811HH). Nevertheless, the proposed outbuilding would occupy about a third of the back garden, take up the majority of the plot width and leave a very limited space of around 5m to the rear elevation of the dwelling. Therefore, the proposed outbuilding would be a disproportionately large and dominant element within the modest back garden.
6. Whilst the built form in the surrounding area is varied, with some large scale commercial and industrial buildings, the appeal property and neighbouring semi-detached houses are of a fairly small scale. Due to its position on a corner plot backing onto Elveden Place, the rear of the appeal site is very prominent. The substantial length and height of the proposed outbuilding, and its siting along the southern boundary where ground levels are at their highest, would make it highly conspicuous when seen from the street. As such, the proposed outbuilding would appear as an incongruous and discordant feature within the streetscene.
7. The existing outbuilding is smaller and of differing proportions to the proposed and, in any event, I have not been provided with details of its planning history. Therefore, it is not directly comparable with the proposed outbuilding and does not set a precedent for the appeal proposal. I give this matter little weight.
8. The southern elevation of the garage to the rear of 1 Iveagh Terrace forms part of the boundary wall and is seen against the backdrop of the adjacent brick industrial building. As such, the circumstances of that scheme are not directly comparable with the appeal proposal. Consequently I attach it limited weight and, in any event, I must determine the appeal on its own merits.
9. For the reasons set out above, I conclude that the proposed outbuilding would have a harmful effect on the character and appearance of the appeal property and the surrounding area. As such, it would fail to accord with the design aims of Policies 7.1, 7.4 and 7.6 of the London Plan, Policy 7.4 and 7B of the Ealing Development Management Development Plan Document (DMDPD) and paragraph 17 and Section 7 of the National Planning Policy Framework (the Framework). Consequently, this element of the appeal proposal cannot benefit from the presumption in favour of sustainable development.
10. The Council's first reason for refusal cites conflict with Policy 7D of the DMDPD, which relates to open space. However the Council's delegated report concludes the proposed development would achieve compliance with Policy 7D of the DMDPD. Based on the evidence before me, I have no reason to take a different view. Therefore, I have not had regard to the policy on this occasion.
11. The proposed porch would span the original dwelling and link with the side extension. Seen in the context of the extended dwelling, the porch would be modest and proportionate in scale and its materials and fenestration would reflect the appeal property. I therefore conclude that the proposed porch would not have a harmful effect on the character and appearance of the appeal property and the surrounding area, and would accord with the design aims of Policies 7.4 and 7.6 of the London Plan, Policies 7.4 and 7B of the DMDPD and paragraph 17 and Section 7 of the Framework.

### **Conditions**

12. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to safeguard the character and appearance of the area, I have imposed a condition relating to the materials to be used in the construction of the porch.

### **Conclusion**

13. For the reasons given above and having had regard to all other matters raised, including the needs of the appellant's family for additional amenity space, I conclude that the appeal should be dismissed insofar as it relates to the outbuilding and allowed insofar as it relates to the porch.

*CL Humphrey*

INSPECTOR