
Appeal Decision

Site visit made on 25 April 2017

by Clive Sproule BSc MSc MSc MRTPI MEnvSci CEnv

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

Decision date: 31.05.17

Appeal Ref: APP/A5270/W/16/3165960
29 Corfton Road, Ealing W5 2HP

- 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 Pawel Skibinski against the decision of the Council of the London Borough of Ealing.
 - The application Ref 161827FUL, dated 26/04/16, was refused by notice dated 22/06/16.
 - The development proposed is erection of a two-storey plus basement, 3-bedroom single family dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. Within the context of the Council's reason for refusal and the evidence in this case, the main issues are considered to be: a) whether the development proposed would preserve or enhance the character or appearance of the Ealing Cricket Ground Conservation Area; and, b) the effect of the development proposed on the living conditions of the occupiers of 31 Corfton Road in relation to visual impact.

Reasons

Conservation Area

3. The appeal site lies within the Ealing Cricket Ground Conservation Area ('the Conservation Area'). A *Character Appraisal*, dated March 2008, for the designated area notes: Corfton Road and Woodville Gardens to be the principal streets within the Conservation Area; and, these streets to be lined by with well detailed villas built between 1890 and 1910. Street trees and planting in mature gardens provide a sylvan character that complements the architecture of the villas which refers to the Arts and Crafts movement. Such features have been retained in no.29 for it to be one of the locally listed buildings in the Conservation Area. A number of flat roofed apartment (type) buildings within the Conservation Area are not recorded as 'positive buildings' within the *Character Appraisal*.
 4. The appellant considers there to be a number of discrepancies, conflicts and major omissions from the *Character Appraisal* and the associated *Management Plan*. However, paragraph 1.2 of the *Character Appraisal* is clear on its
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- purpose and status, and that it does not set out to be comprehensive in its scope and content.
5. West Walk is a narrow lane that provides a footway and cycle route running north/south to the rear of no.29 and the amenity spaces of other dwellings on the western side of Corfton Road. The layout of West Walk seeks to separate pedestrians and cyclists, with the cycle lane running next to the property boundaries at the rear of the gardens on Corfton Road. The Conservation Area includes the section of West Walk next to the appeal site and the *Character Appraisal* notes West Walk to provide access to the rear of properties.
 6. The *Character Appraisal* notes the Conservation Area to have an urban character, but with a green and open setting and architectural cohesiveness reinforced by the use of similar architectural forms, materials and details. During the site visit these characteristics of the Conservation Area were also apparent to me.
 7. At present the appeal site has a hip roofed garage/outbuilding with a basement that is sympathetic to the architecture of no.29, even though not closely reflective of it. Given the nature of the existing building on the appeal site and that it is a recent addition to the plot of no.29, its demolition would not cause any loss or harm to the significance of the Conservation Area or its character.¹
 8. The proposed architecture would not seek to replicate the pitched roofs, gables, turrets, porches and balconies of the existing characteristic architecture. As an example of contemporary architecture, it would be viewed within the context of its location behind no.29. It would be seen from dwellings on Corfton Road, Hillcroft Crescent (which is outside the Conservation Area), and from West Walk onto which an active frontage would be created.
 9. At present the boundary of no.29 with West Walk is a boundary wall that only contains a lockable pedestrian access door/gate. This high boundary treatment reflects the remainder of this section of West Walk where the presence of walling and fence panels, and overhanging mature trees, reinforce both the historic layout of the Conservation Area and the quiet (somewhat secluded) character that they provides to West Walk.
 10. Current views of the appeal site from West Walk and Hillcroft Crescent are over the boundary wall to the existing building and principally its low hip roof. The building on the appeal site is of a type and scale that would be likely to occur in a rear garden/amenity area. Nevertheless, I note that the *Management Plan – March 2008* for the Conservation Area seeks small-scale outbuildings, and emphasises that the generous residential plots in the Conservation Area are one of its '*outstanding characteristics....and all aspects of this openness will be protected*'.²
 11. In contrast to the current situation, the appeal scheme would lower the boundary wall to provide pedestrian access from West Walk and expose the 'street elevation' of the proposed dwelling.³ The 'street elevation' of the appeal proposal would reveal the contemporary architecture of the dwelling to views from West Walk and Hillcroft Crescent. It would create an active street frontage onto West Walk that would include windows at ground and first floor

¹ As recognised in paragraph 38 of the *Heritage Statement* relating to the appeal

² Page 12 of the *Ealing Cricket Ground Conservation Area Management Plan*

³ As shown on Drawing No. 15/313/14

level that would look onto West Walk and across to Hillcroft Crescent. This would provide a distinctive building to terminate views along Hillcroft Crescent. However, it would change fundamentally the character of this part of West Walk and the passage as a whole due to the creation of a gap in high boundary treatments that currently have a high degree of consistency.

12. In addition to opening up a residential frontage onto West Walk, the appeal proposal would significantly increase the scale of development on the appeal site and subdivide the plot of no.29. This would be evident not only from the rear of dwellings on the western side on Corfton Road but also in aspects along the vehicular access from Corfton Road. Such development and associated subdivision of the plot would be a clear departure from the established characteristic layout of the Conservation Area as expressed by the plots along the western side of Corfton Road.
13. The current division and approach to the maintenance of the rear garden at no.31 does not alter the character of the Conservation Area nor set a precedent for the subdivision of no.29 through the proposed development. Nor should this decision make assumptions regarding the future actions and decisions of property owners.
14. My attention has been drawn to recently constructed dwellings at the rear of nos.1 and 3 Corfton Road. Unlike the proposed development which would conspicuously erode the open residential layout of the gardens further along Corfton Road, the dwellings to the rear of nos.1 and 3 have a frontage onto Hillcroft Crescent. They are legible as part of that street scene and are not reliant on a vehicular access from Corfton Road.
15. In addition, the Council is unambiguous that the new dwellings to the rear of nos. 1 and 3 resulted from the redevelopment of a separate garage site and was not 'back land' development. The space between those new dwellings and nos.1 and 3 reflect the scale and layout of the plots at nos. 1 and 3, which are on the periphery, and at one corner, of the Conservation Area. The appeal site is located more centrally on the western flank of the Conservation Area which highlights its role in maintaining the spacious character and layout of it. Therefore, the context of the recently constructed dwellings to the rear of nos.1 and 3 differs significantly from that of the appeal proposal at no.29.
16. The appeal proposal would fail to preserve both the character and appearance of the Ealing Cricket Ground Conservation Area. Paragraph 132 of the Framework places great weight on the conservation of designated heritage assets. The Ealing Cricket Ground Conservation Area is the designated heritage asset in this case, and the identified failure would lead to a loss of significance that would be less than substantial harm, but would nonetheless conflict with policies 7.4 and 7.8 of *The London Plan*, the Council's *Development Strategy* (adopted 3 April 2012) policies 1.1(h), 1.2(g) and policies 7.4 and 7C of the *Development Management - Development Plan Document* (adopted 10 December 2013), and section 12 of the Framework.⁴ This attracts great weight against the appeal scheme.

⁴ Which includes paragraph 131 and the contents of this have been taken into account

Living conditions

17. The appeal scheme would introduce a blank two storey elevation facing and in close proximity to the rearmost part of the garden area at no.31. However, given the scale of the garden at no.31 and the opportunities for views to be taken across and from it, it is not apparent that the visual impact of the appeal proposal would be sufficient to be unacceptably harmful to the living conditions of occupiers of no.31. As such and in this regard, the proposal complies with *Development Management - Development Plan Document* policy 7B and section 7 of the Framework.

Other matters

18. The appeal proposal would increase the housing stock in the locality by one dwelling and in doing so it would provide social benefits to those who would occupy it. This provides some weight in favour of the appeal scheme. In addition, the construction and occupation of the dwelling would contribute to the local economy and this support for economic growth attracts significant weight in favour of the proposal.

Conclusion

19. It is apparent that the appellant has sought to find an architectural solution for the provision of a new dwelling on the appeal site. However, for the reasons above it would fail to preserve or enhance both the character and appearance of the Conservation Area.
20. No public benefits of the proposal have been found that outweigh the harm that would be caused to the significance of the Conservation Area, and the failure to preserve or enhance its character or appearance. All representations have been taken into account, but no matters, including the scope of possible planning conditions, have been found to outweigh the identified harm and policy conflict. For the reasons above, the appeal scheme would not be a sustainable form of development and accordingly, the appeal should be dismissed.

Clive Sproule

INSPECTOR