
Appeal Decision

Site visit made on 23 May 2017

by Rory MacLeod BA MRTPI

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

Decision date: 4th July 2017

Appeal Ref: APP/A5270/W/17/3170662

4 Bedford Corner, South Parade, London W4 1LD

- 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 Mohammed Zarzour against the decision of the Council of the London Borough of Ealing.
 - The application Ref 164788FUL, dated 18 September 2016, was refused by notice dated 28 November 2016.
 - The development proposed is retention of gazebo on front forecourt.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the building and whether it would preserve or enhance the character and appearance of the Bedford Park Conservation Area.

Reasons

3. The appeal site is centrally located within a parade of six shop units that generally have shop fronts of timber construction with low stall risers. There are two floors of residential accommodation over the parade with second floor windows set either as dormers or within prominent gables. The building forms part of the Bedford Park Conservation Area. This includes Acton Green, a park on the opposite side of South Parade, and commercial and residential areas to the north and west of the site which describe the character and appearance of the conservation area as a whole.
4. The gazebo is in place at the site; the proposal the subject of the appeal has already taken place. The gazebo is located on the forecourt to the parade, an area of rough ground generally used for parking. It projects some 6 metres from the front of the building and has a pitched roof rising to about 3.5 metres, supported by solid timber columns with planters to one side. Tables and chairs have been arranged upon a rubber mat to facilitate its use in connection with the café at 4 Bedford Corner, but the gazebo straddles the forecourt in front of nos. 3 and 4.
5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states with regard to applications relating to land or buildings within a conservation area, that special attention must be paid to the desirability of

preserving or enhancing the character or appearance of the area. According to the Conservation Area Appraisal (September 2007), the appeal site lies within Character Area no 2, the Commercial Core. This states that the shops at Bedford Corner have become a very valuable facility, "making a positive contribution to the townscape through the regular rhythm of the original shopfront designs assisted by the rather theatrically scrolled projecting bays to the upper floor accommodation". At paragraph 5.3 in relation to key unlisted buildings the appraisal states, "The Parade of shops at Bedford Corner is also a key feature of the CA and worthy of protection".

6. The development appears as an incongruous feature that does not relate well to the architectural elements of the building behind in terms of its design and materials. From Acton Green on the opposite side of the road, the roof to the gazebo can be clearly seen over the tops of cars parked on the forecourt. It is a permanent structure, not retractable, and although open sided its roof obstructs views of neighbouring shop fronts and signs and detracts from the appearance of the parade as a whole.
7. Having regard to its form and setting, the gazebo does not preserve or enhance the character or appearance of the conservation area as a whole. However, in my opinion, the proposal leads to less than substantial harm to the significance of this heritage asset, and as such, paragraph 134 of the National Planning Policy Framework requires the harm to be weighed against the public benefits of the proposal, including securing its optimum viable use.
8. In this context, I note that the proposal has attracted many representations and has divided local opinion. Amongst the public benefits are that the gazebo appears to be well used, enhancing a local business, and that it has brought vitality to the area by offering an outdoor dining facility in what was previously an unkempt part of a car park. The objections, in the main, are not so much to the use of the land or the principle of a single storey structure but to the particular design and materials used on the gazebo as constructed.
9. Policies 7.4, 7.6 of the London Plan (Consolidated 2015) and Policies 7.4 and 7B of the Ealing Development Plan Document (2012) seek to ensure that new development relates to local character and complements the architecture of its surroundings. The conservation of heritage assets in relation to the design and materials used in new development is covered by Policy 7.8 of the London Plan, Policies 1.1 and 1.2 of the Ealing Development (Core) Strategy (2012) and Policy 7C of the Ealing Development Plan Document (2012). The design of the gazebo as constructed is not in keeping with the architectural character of Bedford Corner and is at variance with these policy provisions.
10. In my opinion, the harm to the character and appearance of the area from the gazebo as presently constructed outweighs the public benefits arising from the proposal. There have been several representations in favour of the use of the forecourt for dining in relation to the café, but I am unable to support such a use in association with the present structure. It would not be possible to address the harm arising by simple amendments or changes, through the use of planning conditions, such as painting the timbers a different colour. As constructed, the gazebo neither preserves nor enhances the character or appearance of this conservation area as a whole, an issue to which I attach considerable importance in relation to the special duty referred to above. My conclusion is that the development is not acceptable.

11. The appellant has claimed that the gazebo should be considered as a temporary structure. However, it has been constructed as a permanent fixture and the appeal is seeking a full, not temporary permission. I note the claim that the present structure is a visual improvement and more welcoming than the previous array of chairs and moveable umbrellas which sometimes blew away. The gazebo moreover provides an even ground surface and is better lit at night, therefore making the area safer to pass through. As constructed, the gazebo does not harm the physical fabric of the adjacent building as it is detached from it. Finally, it is claimed that as it is set back from the main road, the gazebo is not a dominant feature when viewed from the road. However, these factors do not outweigh the harm to the character and appearance of Bedford Corner that I have identified.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, my conclusion is that the construction of the gazebo on the front forecourt has a significant adverse effect on the character and appearance of the buildings at Bedford Corner and does not preserve or enhance the character and appearance of the Bedford Park Conservation Area. The appeal should therefore be dismissed.

Rory MacLeod

INSPECTOR