



Appeal Decision

Site visit made on 18 June 2019

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/A5270/W/19/3225130

3 Shaftesbury Avenue, Southall, UB2 4HQ

- 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 & Mrs Harjeet Singh against the decision of the Council of the London Borough of Ealing.
 - The application Ref 185240FUL, dated 13 November 2018, was refused by notice dated 7 January 2019.
 - The development proposed is demolition of the existing detached house. Erection of a new detached dwelling house with new front and rear landscaping.
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Decision

1. This appeal is dismissed.

Preliminary Matters

2. Following the Council's decision on the application that led to this appeal, a new version of the National Planning Policy Framework has been published. No changes have been made to the content directly relevant to the main issues of this appeal. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of the appeal's merits.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the surrounding area and on the living conditions of nearby occupiers with particular regard to privacy.

Reasons

Character and Appearance

4. Shaftesbury Avenue includes two predominant types of two-storey dwellings, one detached, one semi-detached. A number of the detached dwellings take the same design and form as the host dwelling with a distinctive gable end feature fronting the street. To the rear, windows generally follow the pattern of larger windows and patio doors at ground floor with smaller windows at first floor. The semi-detached dwellings have different, albeit distinctive, design features. This attractive and regular design results in a pleasing repetition, rhythm and appearance to this streetscene.
5. Many of the properties in this area have been altered and/or extended, however these additions are mainly subservient and the original design and

form of the properties remains evident. I acknowledge that there are some detached dwellings which differ from the gable end design described above including 1 and 5 Shaftesbury Avenue close to the appeal site. However, these are not so prominent as to form a significant part of the character and appearance of this area.

6. The proposed dwelling would be detached and two-storey. However, although the roof would be hipped, the eaves would be at first floor level and it would have a relatively shallow pitch. This would result in a greater scale and bulk at first floor than the host building and there would not be a frontage gable end feature. The proposed dwelling also includes design features which are not characteristic of the surrounding area such as a front projection with a flat roof, 2-storey square box bay window to the front and a 'Juliet balcony' to the rear. Albeit that I find that the 'side gable' is similar in appearance to a number of other two storey side extensions to detached dwellings in the vicinity. As such the proposed design and appearance would result in a dwelling which would not complement this context and local character, would not have regard to the pattern and grain of the existing street nor have a positive visual impact.
7. For the reasons above, the proposed development would be harmful to the character and appearance of the surrounding area. As such, in this respect, it would be contrary to Policy 7B (Ealing Local Policy – Design Amenity) of the Development Management Development Plan Document Adopted 10th December 2013 (the DPD) and Policies 3.5 (Quality and design of housing development) 7.4 (Local Character) and 7.6 (Architecture) of the London Plan The Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 (the London Plan), and to the relevant advice in the Framework.

Living Conditions

8. Opening glazed double doors with a glazed balustrade (referred to as a Juliet balcony) are proposed to the first floor rear elevation. This 'balcony' would offer no external space, so would be unlikely to result in views which would be significantly different to that of a rear window in this location.
9. Gardens in this area are already overlooked to a certain extent by the upper level windows in the adjoining properties. As such, any overlooking that were to occur from these first floor glazed doors would not be unacceptably harmful to the privacy of nearby occupiers over and above the existing situation at the neighbouring properties.
10. For the reasons above, the proposed development would not be harmful to the living conditions of nearby occupiers with particular respect to privacy. As such it would be contrary to Policy 7B (Ealing Local Policy – Design Amenity) of the DPD and 7.6 (Architecture) of the London Plan, nor to the relevant advice in the Framework.

Other Matters

11. It has been brought to my attention that there is an existing planning approval at this site for extensions to the host dwelling¹. I have not been presented with detailed evidence in relation to this application. Nevertheless, from the evidence submitted, the works approved appear to be subservient extensions

¹ 17275HH

to the existing dwelling, retaining its important design features. As such, I consider that the approved proposals would be less harmful than those before me now.

12. I am not provided with any substantive evidence which leads me to conclude that this scheme would affect the significance of any Conservation Area.
13. The Council refer to Policies 3.5 and 7A of the DPD in its reason for refusal. However as, in the main, these policies refer to space standards for new housing and development that would cause emissions respectively, the policies quoted above are more relevant in this case.
14. Whilst I do not find harm in relation to living conditions or any other matters, this does not outweigh my finding in respect of the unacceptability of the scheme's effect on the character and appearance of the surrounding area.

Conclusion

15. For the reasons set out above, this appeal should be dismissed.

H Miles

INSPECTOR