



Appeal Decision

Site visit made on 16 July 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2019

Appeal Ref: APP/A5270/W/19/3227458

4 Ealing Road, Northolt, UB5 5HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Hebden and Taher (SMC Investcorp Ltd) against the Council of the London Borough of Ealing.
 - The application Ref 183804FUL, is dated 10 August 2018.
 - The development proposed is the erection of a 9 unit residential development with associated landscaping, following the demolition of the existent residential development.
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Decision

1. The appeal is dismissed and planning permission is refused.

Application for Costs

2. An application for costs was made by SMC Investcorp Ltd against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Procedural Matter

3. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. Furthermore, I have not received an officer report, appeal statement, or any formal correspondence concerning the merits of the proposal from the Council, nor have I been provided with a copy of any relevant policies. However, the appellant has submitted an appeal statement. Within it are copies of pre-application discussions and a formal response to it from the Council. I have also taken into account the representations received from a number of interested parties. I have drawn on this, together with other evidence before me, to inform the main issue in this appeal.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of Northolt Village Green Conservation Area.

Reasons

5. The appeal site comprises an existing building and associated amenity space which fronts Ealing Road. It lies within Northolt Village Green Conservation Area (CA). There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a CA.
6. I have not been provided with a copy of a Conservation Area Appraisal but based on my site visit, and the evidence before me, I consider the significance of the CA derives, in part, from the presence of several green open spaces and their relationship with the diverse assortment of bespoke and informally laid out period and more modern properties in the area. The properties are set in verdant surroundings and are mainly in residential use, with a small number of them being in community use. Despite its position within more urbanised surroundings, the CA has a more subtle and pleasant rural village feel.
7. The appeal site comprises a two-storey building with a hipped roof which has a symmetrical, coherent appearance, constructed of yellow stock brick. It was formerly used as a public house, known as the Plough Inn, before being converted to other uses, including residential. The first-floor front facing windows appear to be unsympathetic modern replacements and there is evidence of a former porch, positioned centrally at ground floor level, which has since been removed. I am also informed that many of the original internal features have been removed.
8. An area of green space lies immediately to the south. Adjacent and to the north lies a modern two-storey residential development comprising three townhouses, whilst at a short distance to the rear lies a more contemporary, mixed use development. This serves to underline the variety of development types which have shaped the character and appearance of this part of the CA.
9. Despite the aforementioned factors diminishing the contribution the site makes to the CA, the appeal building retains much of its traditional authenticity and character and is a prominent building when viewed along part of Ealing Road, offsetting the presence of less characterful buildings in the surrounding area. Due to its historic community use and its architectural charm, it is a building of historic and townscape significance. It makes a positive contribution to the character and appearance of the CA overall.
10. The proposed development would involve the demolition of the appeal building, to be replaced with a single building which would include nine residential units, comprising a mix of studio and one and two bedroom flats, set over three-storeys. The proposed building would be wider and taller than the existing and would be designed with a pitched roof with projecting gable fronted roof forms at either end. Even though there would be some similarities with the adjacent townhouses in terms of width and overall height, the depth, fenestration pattern, roof form and overall design and appearance would be at odds with the more understated form of the adjacent townhouses.
11. Even though the layout and form of dwellings in the area is not uniform, and despite the set-back from the road, the overall scale and mass of the proposed

building would appear unduly dominant in the street. This is due to the depth, height and design of the proposed building and the roof form which would result in an overly bulky and obtrusive building, out of keeping with the prevailing characteristics of the area, including the adjacent townhouses. The proposal would display few of the characteristics of the traditional properties in the CA, and neither would it make a positive contribution to local character or distinctiveness.

12. I have been provided with a copy of an appeal decision which was allowed, relating to the land adjacent to the site which is now occupied by the three town houses and the more contemporary mixed-use development to the rear I have previously referred to¹. Whilst I do not have the full details of the case before me, unlike the previous appeal, the current proposal involves the demolition of a building which I find makes a positive contribution to its surroundings, to be replaced with a building which would compete with, rather than complement, the characteristics which contribute to the significance of the CA. In addition, the adjacent appeal scheme relates to a larger development with a different design. Therefore, the circumstances of the case are not directly comparable, and in light of the foregoing, there is nothing before me to suggest I should take a different view on this appeal.
13. For the purposes of the National Planning Policy Framework (the Framework), the CA is a designated heritage asset. Whether or not the site is a non-designated heritage asset, I have found harm to the significance of the higher-level asset. Even though the appellant would fully record the appeal building before demolition, this would not negate the harm I have identified, due to the loss of this characterful building, and its subsequent replacement with an inappropriate building form.
14. The harmful effect I have identified, in accordance with the Framework, would result in less than substantial harm to the CA. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that this matter carries considerable importance and weight. On the other hand, the proposal would deliver development on a brownfield site and would make more efficient use of the land by providing nine residential units. Whilst the appellant considers that the Council's five-year housing land supply position is less than robust, I have not been provided with evidence to support any assertion that the Council are unable to demonstrate a five-year housing land supply. I acknowledge, however, that the proposal would help support and enhance the socio-economic viability of the borough by providing additional housing and bringing additional consumers and employees to the benefit of local businesses. However, having considered these as public benefits, I am not satisfied that collectively these benefits would be sufficient to outweigh the less than substantial harm I have identified, which would be contrary to paragraph 196 of the Framework.
15. For the foregoing reasons I conclude that the development would fail to preserve or enhance the character or appearance of the Northolt Green Conservation Area. Contrary to paragraph 139 of the Framework the development would fail to take the opportunities available to improve the character and quality of the area and the way it functions. Paragraph 193 of

¹ Appeal reference – APP/A5270/A/14/2225754

the Framework requires great weight to be given to a heritage asset's conservation and in this regard, the development would result in less than substantial harm to the significance of the Northolt Green Conservation Area, and the public benefits of the proposal would not outweigh the harm I have identified.

Other Matters

16. I understand that the appeal building is currently used for residential purposes. The appellant has put to me that the building is in a state of increasing deterioration due to its condition, quality and structural instability. However, in common with other buildings of this age, I observed a number of cosmetic deficiencies, but nothing that would suggest that the building was at risk, and I have not been provided with a structural survey to better understand the nature of the deficiencies in terms of the long-term stability of the building.
17. A number of third parties raise concerns that the development would not provide any off-street parking, and that the existing roads in the area are already congested. However, as I am dismissing the appeal on the main issue, I have not pursued these matters further.
18. The appeal is accompanied by a suite of documents concerning flood risk, tree protection, and daylight/sunlight impacts at nearby properties. Whilst I have no evidence before me to question the acceptability of the proposal in respect of these matters, it has not been necessary for me to consider them, or any other matters, on the basis I am dismissing the appeal for the reasons given.

Conclusion

19. For the reasons given, the appeal is dismissed.

Matthew Woodward

INSPECTOR