



Appeal Decision

Site visit made on 6 January 2020

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2020

Appeal Ref: APP/A5270/W/19/3238992

51 Mill Hill Road, Acton W3 8JF

- 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 Andrew Strang against the decision of the Council of the London Borough of Ealing.
 - The application Ref 183526FUL, dated 25 July 2018, was refused by notice dated 16 April 2019.
 - The development proposed is the demolition of the existing outbuilding (storage shed) and construction of a new 1.5 storey (3 bedroom, 5 person) dwellinghouse with associated cycle parking, refuse storage and amenity space at the rear of 51 Mill Hill Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The access arrangements linking the proposed dwelling to Mill Hill Road were amended during the course of the planning application process. I have considered the amended scheme, which the Council refused planning permission for, in determining this appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the significance of the Mill Hill Park Conservation Area (MHPCA)
 - the living conditions of future occupiers, with particular regard to access and the storage and removal of waste.

Reasons

Significance of the MHPCA

4. Mill Hill Road is a residential street within the MHPCA, containing 2/3-storey, garden-fronted detached, semi-detached and terraced houses of various designs.
5. The appeal site is located to the side and rear of 51 Mill Hill Road, in land that currently forms part of its curtilage. To the east of the appeal site and separated from it by a boundary wall / fence is a small gated estate, Langford Close, which comprises four terraced dwellings and a private parking courtyard, with vehicular access to Mill Hill Road.

6. No 51 is one of a pair of brick-built semi-detached dwellings at the end of a row of semi-detached dwellings – Nos 51-69 – on the southern side of Mill Hill Road. The front elevations of these buildings have a similar design, scale, massing and position relative to the highway. Together with the narrow gaps between the dwellings, this gives them a coherent, terrace-like appearance, albeit with some variations in finishes at some of the properties.
7. The access to Langford Close is from a narrow road to the east of No 51, formed by a boundary wall by No 51 and a wall and part of the side elevation of No 49A, a semi-detached dwelling of a different design to Nos 51-69.
8. The MHPCA is a designated heritage asset and from the evidence and my observations on site, its significance in this area is derived from the residential buildings it contains, together with the spaces around them and the street layout. The appeal building is identified as one of a number of buildings¹ that make a positive contribution to the MHPCA, according to the Council's officer report². From its scale, massing, traditional design and materials and its position within the streetscene, including when seen in the visual context of Nos 53-69, I would agree that No 51 makes a positive contribution to the character and appearance of the MHPCA.
9. The proposed development would effectively extend the Langford Close terrace building into the rear garden of No 51, with the construction of a dwelling of a similar scale, massing and design and sharing a common front building line to the dwellings in the existing terrace.
10. The proposed dwelling would have a separate pedestrian access to Mill Hill Road. This would be via a fenced pathway to the side of the (reduced) rear garden of No 51, leading to a single storey lean-to extension with lockable doors at either end and fixed to the side elevation wall of the main building. The corridor extension would incorporate lighting and a video entry system and would be built over the existing pathway by the side of No 51.
11. From the submitted drawings³ the proposed extension would have a tiled, mono-pitched roof which would extend from the front to the rear elevations of the main building of No 51. The corridor itself would be set back a short distance from both the front and rear elevations. The existing brick boundary wall⁴ on the eastern boundary of the appeal site would be removed to allow for the extension and a 1.8metre high, close-boarded, composite timber effect fence with posts installed as a replacement.
12. There are a number of inconsistencies between the submitted plans and elevations, including in terms of the widths of the entrance doors, the various pipes on the side elevation of No 51 and the eastern 'wall' of the proposed extension. Furthermore, whilst the side elevation shows the corridor to have a brick-type construction, similar to the side elevation of No 51, the annotation to the front and rear elevations states that there would be 'timber cladding to exterior'.
13. Notwithstanding the inconsistencies, the scale, massing, design, position, and stated materials mean that the proposed extension would be an incongruous

¹ Including Nos 53-69 Mill Hill Road.

² Paragraph 2, Page 11 of the Council's officer report.

³ Ref. GA-SP-AD, GA-E-A, GA-E-B, GA-E-C Rev B

⁴ Excluding the brick column by Mill Hill Road.

- addition to the side of No 51, and would also disrupt the flat-roofed and largely symmetrical front elevation of Nos 51 and 53. Whilst the proposed replacement boundary fence would screen part of the proposed extension in views from the east, it would still be a prominent and unsympathetic addition to the appeal building and would diminish views along the street, including of Nos 51-69.
14. The proposed extension would therefore detract from the positive contribution that the appeal building makes to the significance of the MHPCA and would cause it less than substantial harm.
 15. The appellant refers to the benefits of providing a dwelling in a sustainable location and associated employment during construction, and I note that the Council considers increasing the housing stock to be an important strategic objective. However, the addition of a single dwelling would not significantly increase the housing stock of the borough. Whilst there would be some limited public benefits, the proposal would largely generate private benefits for the future occupiers and workers engaged in its construction.
 16. Consequently, the public benefits of the proposal would not outweigh the less than substantial harm I have identified⁵ in this case, bearing in mind the importance the Government attaches to the conservation of designated heritage assets⁶.
 17. The appellant makes reference to other side extensions in the area, including at 76 Mill Hill Road. Each proposal should be considered on its individual merits, which is what I have done in this case. In any event, I am satisfied that the design, materials and visual context of the proposal at No 76, which I observed when I visited the area, are different to the appeal proposal.
 18. I note the appellant's comments regarding the conditioning of materials. Given the stated materials on the aforementioned submitted drawings I am not satisfied that this would overcome this aspect of the identified harm, and would not address the harm from the scale, design, massing and position of the proposed extension.
 19. It is not disputed by the parties that the proposed dwelling next to the Langford Close terrace would not detract from the character and appearance of the MHPCA. However, the acceptable visual impact of the proposed dwelling would not overcome the harm that would be caused by the much more visually prominent proposed extension at No 51.
 20. For these reasons the proposed development would detract from the significance of the MHPCA and would conflict with Policy 7.8 (Heritage Assets and Archaeology) of the London Plan March 2016, Policy 7C (Heritage) of the Ealing Development Management Development Plan Document December 2013 and with the Framework, in this regard.

Living Conditions

21. The location of the proposed dwelling in the rear garden of No 51, some distance from Mill Hill Road, means that its access arrangements would be somewhat unconventional. As described in more detail above, the proposed

⁵ Paragraph 196 of the National Planning Policy Framework 2019 (the Framework)

⁶ Paragraph 193 of the Framework

pedestrian access would be via fenced pathways and a lean-to extension with doors at either end. To the front of No 51 is a small, largely paved area which would allow access to Mill Hill Road from the proposed dwelling via the proposed extension, although no formal demarcation of this area, between what would be separate units, is shown on the submitted drawings.

22. The submitted drawings contain some inconsistencies, as mentioned above. Nevertheless, the proposed extension would be lit, and would have lockable doors controlled by a video entry system at the proposed dwelling. The external entrance and the rear footpath would also be lit. Provided that there would be a minimum internal width of 900mm to the proposed extension, and the referenced equipment operates as it should, the proposed extension and rear pathway would provide an acceptable, albeit somewhat complicated, means of pedestrian access.
23. The proposed access arrangements would, therefore, also be adequate to allow for the removal of waste from the proposed bin store by the proposed dwelling.
24. Reference is made to emergency services access to the proposed dwelling. Visits from the emergency services would be likely to be very infrequent, and there is nothing before me to demonstrate that in an emergency, such access would not be possible.
25. For these reasons the proposed development would not adversely affect the living conditions of future occupiers, with particular regard to access and the storage and removal of waste. It would not, therefore, conflict with Policies 5.17 (waste capacity), 6.10 (walking), 7.3 (designing out crime), 7.4 (local character), 7.5 (public realm), 7.13 (safety, security and resilience to emergency) of the London Plan March 2016, and with Policies 7.3 (designing out crime) and 7B (design amenity), of the Ealing Development Management Plan December 2013, in this regard.

Planning Balance

26. Notwithstanding the acceptable impact of the proposed development on the living conditions of future occupiers, this is outweighed by the harm to the significance of the MHPCA that would be caused, as set out above.

Other Matters

27. I note that the area is located in a Controlled Parking Zone (CPZ) which restricts on-street parking Monday - Friday 9am-10am and 3pm-4pm. Various representations have been made concerning on street car-parking stress in the area. There would be no vehicular access to the proposed dwelling, which both the Council and the appellant refer to as being 'car-free'. The appeal site has a PTAL rating of 5, which indicates good public transport accessibility, and so a 'car-free' development would not necessarily be a problem in this case.
28. However, from the evidence there is no indication of how the 'car-free' status of the proposed development would be controlled. The Council states that 'A section 106 agreement preventing any future occupants of the proposed dwellings from obtaining parking permits would likely be required to ensure that parking stress in the vicinity of the site would not be exacerbated by the scheme'⁷. The appellant states that they would be 'willing to enter into a s106

⁷ Transport section of the Council's officer report.

legal agreement with the council to prevent future occupiers of the proposed new dwellinghouse from obtaining parking permits⁸.'

29. However, no such agreement is before me. Whilst it is not one of the Council's reasons for refusal, were I minded to allow this appeal, then this is something that I would need to consider further. However, as I am dismissing the appeal for other reasons, such consideration is not necessary in this case.
30. I also note the appellant's comments at paragraph 4.35 and the information provided at Appendix 1 of their statement, concerning the status of Supplementary Planning Documents and Guidance (SPD/G). I have had appropriate regard to the referenced SPD/G in determining this appeal and they do not cause me to reach a different conclusion with regard to it, as set out above.

Conclusion

31. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁸ Paragraph 6.55 of the Appellant's Statement