The Planning Inspectorate

Appeal Decision

Site visit made on 15 January 2020

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/A5270/W/19/3240365
10 & 12 Perryn Road, Acton W3 7LR

- 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 Crendain Developments Limited against the Council of the London Borough of Ealing.
- The application Ref 193733FUL, is dated 23 August 2019.
- The development proposed is the demolition of two semi-detached residential dwellings and the erection of a nine unit-apartment building.

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal, the Council has indicated in its subsequent assessment of the application in a letter dated 10 January 2020, that it would have refused planning permission had it still been able to do so. I have determined the appeal on that basis.

Main Issues

3. The main issues are:

   i) Whether the proposal would preserve or enhance the character or appearance of the Acton Park Conservation Area (CA);

   ii) The effect of the proposal on the future occupiers of the development with particular regard to outlook, privacy, and amenity space; and

   iii) The effect on highway and pedestrian safety.

Reasons

Character or appearance of the Acton Park CA

4. The appeal site accommodates a pair of three-storey, semi-detached dwellings. The dwellings are similar in design to those within this part of the street. They are set back from the street allowing front garden areas accommodating off-street car parking, and they have generous rear gardens.

5. The appeal site is in the Acton Park CA, a designated heritage asset. Perryn Road is characterised by buildings displaying distinctive Victorian and Edwardian forms and architectural detailing. The rhythmic and consistent

architectural elements of the properties along the residential street are an intrinsic part of the visual merit of the CA. This is particularly evident when the aspect of the road is curved at the southern end of Perryn Road. The appeal dwellings display these qualities and make a positive contribution to the CA.

6. The appeal proposal is for the demolition of the semi-detached dwellings and the erection of a part two, part three-storey building, with a lower ground floor, that would provide nine self-contained flats comprising six x 2 bed units, two x 3 bed units, and one x 4 bed unit. The building would have two off-street car parking spaces in the front garden area and a further seven spaces to the rear. They would be served by a new access road which would run alongside the boundary with No 8, with part of the appeal building cantilevering above. There would be communal garden areas to the front and rear with associated landscaping.

7. The appellant states that the contemporary building design acknowledges important aspects of the surrounding CA without trying to create a 'mock-Victorian' replica. Whilst the appeal building would have a front building line which would only be slightly further forward than the existing dwellings, it would occupy virtually the full width of the plot and extend beyond the rear wall of the existing building line. Whilst there would be open area to the front and rear, the mass and bulk of the building would significantly differ to that of the adjoining properties and the appeal building would appear as an incongruous form of development within this part of the street.

8. The appellant also argues that the ridge height of the apartment building is lower than its neighbours to prevent the scale and massing from being overpowering. However, the lower building height coupled with the introduction of a series of flat roofs with glazed balconies, would unacceptably break the uniform rhythm of the distinctive steeply pitched gables of other houses on Perryn Road. Part of the building would also project above the undercroft access road which would have an unacceptable unbalancing effect which would be at odds with the consistency and symmetry of the neighbouring dwellings. The two large lightwells, which would also act as terraces to the lower ground floor flats, would be incompatible and unduly prominent additions to the street scene by virtue of their excessive size and depth.

9. The introduction of cantilevered bays and windows would jar with the consistent and traditional fenestration prevalent on the adjoining dwellings and would appear out of character. The use of Corten steel to parts of the building would unacceptably disrupt the cohesive dominance of brickwork used on the neighbouring dwellings.

10. The appeal proposal would also introduce a car parking area and large bin storage area to the rear of the building, which would significantly increase the amount of hardstanding. Coupled with its predominant use as a residential car park, it would be at odds with the prevailing character of enclosed green private garden areas in the adjoining properties.

11. The appellant argues that the existing dwellings have been subject to several significant and low-quality alterations to the front and rear. However, I do not consider that these alterations are so significant that they have damaged the cohesiveness of the CA as a whole. The appellant also states that the proposals would introduce a new front boundary wall and landscaping to part of the front garden area. However, this would not overcome the unbalancing effect the

building would have on the CA. The appellant also states that the existing buildings are difficult to convert. However, I do not have any evidence before me to demonstrate that this is the case and I am mindful that the dwellings have already been converted into flats.

12. Concluding on this main issue, the appeal proposal, by reason of its detailed design, form, bulk and mass would result in an obtrusive and incompatible form of development, poorly related to and at odds with the established and historic pattern of development in this part of the CA.

13. The proposal conflicts with Policies 7.4, 7.6 and 7.8 of the London Plan (LP) (2016), Policies 7.4, 7B and 7C of the London Borough of Ealing Development Management Development Planning Document (DMD) (2013), and the guidance contained within the Acton Park Conservation Area Management Plan (MP) (2009) which require, amongst other things, development to conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Living conditions - Outlook and privacy

14. The Council has highlighted that the area of concern is in relation to the two, sole bedroom windows, which would form part of a four-bedroom flat on the lower ground floor. The windows would be located midway along the undercroft access road and views from these windows would look directly onto a large expanse of blank boundary wall, which runs alongside No 8. Given the short distance that the wall is away from the windows and expanse of the overhanging building, the windows would have an unacceptably poor level of outlook and light.

15. The windows would also face onto the access road, which serves the area to the rear of the building. The appellant argues that there would only be a very small number of pedestrian movements through the undercroft and that the access would only be used by residents occupying the building and occasional refuse movements. The appellant also states that it is not uncommon for pedestrians to be able to walk near windows in an urban context. However, I am not convinced that low usage would be enough to ensure good levels of privacy to future occupiers of this apartment as both residents and visitors walking to their vehicles and drivers would have direct views into the bedrooms.

16. The proposal would fail to provide an acceptable quality of accommodation for future occupiers in terms of outlook and privacy. As such, the proposal would be contrary to Policy 3.5 of the London Plan 2016 and policy 7B of DMD, which require, amongst other things, development to achieve a high standard of amenity for users by ensuring good levels of privacy.

Living conditions - Amenity space

17. The Council has raised concern regarding the quality of the two communal garden areas to the front and rear of the building, which would serve some of the apartments. The area to the front of the building would be immediately adjacent to the road and be bounded on one side by the footpath to the main entrance to the building with a lightwell on the other side, which would serve one of the lower ground floor flats. Whilst a new wall could be built along the front boundary, the garden area would be still be visible from the street and

being adjacent to the footpath, would not afford its users an acceptable level of privacy.

18. The garden area to the rear would wrap around a row of four car parking spaces and be adjacent to the communal bin store. Similar to the front garden area, it would not provide a sufficient level of privacy for its users and its irregular shape would not be conducive to acceptable levels of usage.

19. The appellant argues that the four, two-bedroom apartments, which the communal garden areas would serve, are located only a 170 metre walk away from Acton Park and that the units do not need to have dedicated private outdoor amenity space. However, this would not overcome the lack of adequate on-site private amenity space provision.

20. Overall, I am not convinced that there would be a sufficiently sized private garden area in a single usable and practical parcel to cater to the needs of future residents. Consequently, the proposal would significantly harm the living conditions of the future occupiers of the development.

21. The proposal conflicts with Policies 7B and 7D of the DMD and the guidance contained within The Mayor of London's Housing Supplementary Planning Guidance (SPG) (2016), which require, amongst other things, development to provide high quality outdoor spaces and integrate well with the surrounding streets.

Highway safety

22. The appeal proposal would provide two off-street car parking spaces in part of the front of the garden area and a further seven spaces to the rear. The two spaces to the front are arranged perpendicularly to the road and I am mindful that the dwellings have areas of hardstanding to the front which are capable of accommodating vehicles in a similar arrangement. The seven spaces to the rear are aligned in a row of three and four spaces, which is not an untypical car parking layout.

23. The appellant has provided a drawing ref SA33277_H_01 which demonstrates how vehicles could enter and leave the site in a forward direction. Whilst this drawing illustrates an additional area of hardstanding to the access road, it nevertheless demonstrates how vehicles could safely navigate safely into and out of the spaces and a suitably worded condition could be attached to any permission.

24. There would be an area for the storing of refuse that would be positioned adjacent to the two banks of car parking at the rear of the amenity space. The storage area is located a short distance from the rear entrance of the building. Given the relative low number of vehicle movements that would be accommodated and the relatively low number of visits that residents would undertake during a normal week, I am satisfied that this arrangement would not be unduly harmful to pedestrian safety.

25. Given the relatively low number of vehicle and pedestrian movements which would be associated with the use of the off-street car parking and refuse store, I am satisfied that the appeal proposal would not be unacceptably harmful to highway and pedestrian safety. Consequently, the proposal complies with Policies 6.3 and 6.13 of the London Plan (2016).

Other matters

26. Local residents and The Goldsmiths Residents' Association have raised a number of environmental concerns regarding the proposal including construction activity, loss of trees, increased traffic, noise and disturbance, loss of privacy, strain on community facilities and that the proposal would set a precedent. As I have found the proposal to be unacceptable for other reasons and these matters would not affect my overall judgement of the proposal, it is not necessary for this decision to address those other concerns any further.

Conclusions

27. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The development would neither preserve nor enhance the character or appearance of the CA. This weighs considerably against the proposal.

28. The proposal would have a detrimental effect on the significance of a designated heritage asset and would result in 'less than substantial' harm under paragraph 196 of the National Planning Policy Framework (the Framework).

29. The Framework requires such harm to be weighed against the public benefits of the proposal. The proposal is for a building that would provide three additional residential homes, which would provide a modest contribution to the housing stock. The public benefits would not outweigh the less than substantial harm.

30. Whilst I have found that the proposal would not be unacceptably harmful in relation to highway and pedestrian safety, this does not outweigh the significant harm to the character and appearance of the CA or the unacceptable living conditions of future occupiers by reason of poor outlook, lack of privacy and lack of private on-site amenity space.

31. It would therefore fail to preserve or enhance the character or appearance of the CA and therefore conflicts with Policies 7.4, 7.6 and 7.8 of the LP, Policies 7.4, 7B and 7C of the DMD. The appeal proposal would also result in unacceptable living conditions for its future occupiers and conflicts with Policies 3.5 of the LP and Policies 7B and 7D of DMD and the SPG.

32. For the reasons given above the appeal is dismissed.

Neil Smith

INSPECTOR