



Appeal Decision

Site visit made on 11 March 2020

by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/A5270/D/19/3243973

86 Wadham Gardens, Greenford, Middlesex UB6 0BU

- 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 Mariusz Golubiewski and Mrs Anetta Golubiewski against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 193549HH, dated 12 August 2019, was refused by notice dated 7 October 2019.
 - The development proposed is raised ridge, alteration of roof from hip to gable end; rear roof extension and installation of three roof lights to front roof slope
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development used in the banner heading above is taken from the Council's decision notice, as also referred to in the appeal form, as it more fully and accurately describes the proposal than that contained in the application form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the area.

Reasons

4. The appeal property is a modest two-storey house at the end of a short terrace of four dwellings. Its pleasant façade is redbrick at ground floor level with pebbledash render and a bay window on the upper storey and a tiled, hipped roof. Wadham Gardens comprises similarly designed groups of terraced houses which step up as the land rises gently to the west. The area is predominantly residential in character.
5. Although the original hipped roof design of most houses in the area is generally preserved, a number have already been converted to gable roofs to accommodate rear dormer extensions. I understand from the Council that many of those conversions have taken place under permitted development rights with others via planning permissions. Therefore, the principle of such conversions has been established in the area, although there is some variation in their design and form. Given that background, the Council does not object to the conversion of the roof from hip to gable or the raised ridge line, as it

would still be slightly below the height of the ridge of the adjoining dwelling at No 88 and above that at No 84, reflecting the stepped nature of the houses following the gradient of the road. I see no reason to take a different view from the Council on those particular aspects of the proposal.

6. However, the rear dormer itself would occupy virtually the whole of the slope of the converted roof. In the absence of any significant set-down from the ridge, set-in from the sides or set-up from the eaves, it would present as a full width flat-roofed third storey to the rear elevation. Its scale, form and bulk are excessive and would form a disproportionate addition to the existing building to the detriment of its character and appearance. While the dormer is to the rear, it would still be seen from surrounding properties and their gardens and would appear incongruous set between Nos 88 and 84, which appear to retain their original roof forms.
7. The appellants refer to other conversions in the area which involved increasing the ridge height of the roof and has provided photographs of some of them. However, it is not the proposed increased ridge height which is at issue but rather the scale of the rear dormer element, which would take up almost the entire rear roof slope.
8. One of the examples cited by the appellants is at 91 Wadham Gardens, opposite the appeal property, on the corner with Hadden Way. The Council has confirmed that the hip to gable conversion with rear dormer at that property benefits from planning permission granted in 2017.¹ However, as shown in the submitted photographs and as I saw on my site visit, while that rear dormer is sizeable, its effect is mitigated to some extent by significant set-ins from the sides of the roof. Therefore, it does not occupy the whole roof slope or present as an extra storey spanning the full width of the original house. Consequently, it differs from the appeal proposal and I give the comparison limited weight.
9. The appellants also refer to increased ridge heights and dormer extensions at 101, 107, 141 and 143 Wadham Gardens and at 529 Whitton Avenue. Those dormers do appear to be sizeable. However, it is not clear from the evidence before me whether those developments benefit from planning permission, were built under permitted development rights or are unauthorised development. That uncertainty limits the weight that can be afforded to them as precedents for the appeal proposal, where planning permission is sought. In any event, as I consider the scale of the appeal proposal to be unsympathetic and harmful to the host property and the area, even if there are other similarly harmful developments, that would not justify allowing a proposal which would cause further harm.
10. While the appellants refer to the additional requirements of building regulations and other constraints and considerations, such as ensuring a sufficient ceiling height, my role is to consider the proposal in planning policy terms, which includes the effects of the external appearance of the structure. Indeed, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.²

¹ Ref: 170283HH

² s.38(6) Planning and Compulsory Purchase Act 2004 and s.70(2) Town and Country Planning Act 1990

11. Policies 7.4 and 7B of the Council's Development Management Development Plan Document (DPD),³ which forms part of the development plan, indicate that developments should take account of scale and that high-quality architecture and a positive visual impact should be ensured. The proposal fails on those counts for the reasons detailed above.
12. Policy 7B also advises that: '*Extensions to existing development should ensure that the resulting development as a whole meets design standards.*' The National Planning Policy Framework (the Framework)⁴ is a significant material consideration in planning decisions. Paragraph 130 of the Framework says that permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area, taking account of local design standards or style guides in plans or supplementary planning documents. Although the Council's 'SPD 4: Residential Extensions' document now only constitutes 'interim guidance' and, therefore, attracts less weight than a supplementary planning document, it does indicate that dormer windows should not be unduly obtrusive or dominant and should respect the character of the original dwelling and should not take up the entire area of a roof slope.⁵ The scale and form of the rear dormer does not in my judgment comply with the policies and guidelines detailed above.
13. Overall therefore, I conclude that the proposed development would harm the character and appearance of the host property and the area. It follows that it would conflict with policies 7.4 and 7B of the DPD, as already detailed. It would also fail to accord with policies 7.4 and 7.6 of the London Plan (2016), which seek to ensure that developments are of high quality design which has regard to the pattern and grain of existing streets in scale, proportion and mass and that design should be appropriate to its context. In addition, it would be contrary to similar policy aspirations expressed in the Framework.
14. The Council's decision notice refers to conflict with policies in the new draft London Plan, but that is yet to be finalised and 'published'. In any event, the policies referred to, D1 and D2, have similar content to the existing London Plan (2016) policies referred to above, and therefore add little in terms of the issues relevant to this appeal.

Other Matters

15. I appreciate that the appellants wish to extend the property to create additional habitable living space for their children. However, the planning system is more directly focussed on the wider public interest than private interests, unless some exceptional personal need has been clearly evidenced, which is not the case here. Therefore, I give that aspect limited weight. Moreover, there may be other ways or alternative designs which would allow the dwelling to be extended without occasioning the harm to character and appearance identified above.
16. The appellants express concern about the conduct of the Council during the application process. I am not in receipt of any Costs claim from the appellants alleging that the Council has behaved unreasonably. Therefore, that is a matter between the parties.

³ Adopted 10 December 2013

⁴ February 2019

⁵ Section 6, Page 17

Conclusion

17. There are no material considerations, in this case, which would outweigh the harm identified to the character and appearance of the existing dwelling and the area and the resulting conflict with development plan policies and national guidance.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

JP Tudor

INSPECTOR