



Appeal Decision

Site visit made on 18 February 2020

by Peter Mark Sturgess BSc (Hons), MBA, MRTPI

an Inspector appointed by the Secretary of State.

Decision date: Tuesday, 12 May 2020

Appeal Ref: APP/A5270/W/19/3242512

2A Westbury Road, London, W5 2LF

- 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 Gary Sinton against the decision of the Council of the London Borough of Ealing.
 - The application Ref 193252FUL, dated 22 July 2019, was refused by notice dated 13 September 2019.
 - The development proposed is the demolition of an existing two storey property with a double garage and residential accommodation on the ground and first floor and the provision of a new single-family dwelling with garage, basement and courtyard.
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Decision

1. The appeal is dismissed

Main Issues

2. The effect of the development on the character and appearance of the locality and the living conditions of future occupiers, having particular regard to the garden area.

Reasons

Character and appearance

3. The development plan for the area is the London Plan 2016 (LP), the Ealing Development Strategy 2026, Development Plan Document, April 2012 (EDS) and the Ealing Development Management, Development Plan Document, December 2013 (EDM). The policies of the various parts of the development plan aim to ensure that development is sensitive to local character, takes account of local context, is of the highest quality and its design enhances the quality of local places.
4. The appeal site lies on a street characterised by large residential buildings standing in landscaped grounds with street trees. A feature of the area are brick boundary walls along the back edge of the pavement, sometimes surmounted by railings. The buildings themselves are generally traditional in design and constructed of brick and tile. The one exception to this is the building next to the appeal site, Denham Lodge, which although having elements of brick and tile is late twentieth century in character. It is nevertheless still set in a landscaped site with trees and shrubs between it and the road. The existing dwelling on the appeal site, although constructed in

recent years, has the appearance of a former stable block or outbuilding and is subservient to the development around it, especially 23 Madeley Road.

5. The appeal proposal by contrast, with its parking area, sunken patio and large dwelling would dominate the site and leave very little room for planting, except for two raised beds either side of the drive. The roof is low pitched with roof lights and a terrace, set into the side which faces on to No 23. The pitch of the roof is not a characteristic of the area and would be prominent as it is set back less than 5m from Westbury Road, at its closest point. The windows would have a horizontal emphasis with no glazing bars which again is not typical of the majority of the buildings found in Westbury Road. The proposed powder coated, dark grey, aluminium horizontal boarded fence would also not reflect the presence of a considerable number of brick boundary walls, some with railings, which divide the houses in the road from the pavement. It would appear as an incongruous and discordant feature in the street scene and fail to create a positive visual impact.
6. It is proposed to use brick in the external finish with a proportion of the external elevation clad in fibre cement, a material not typical of the buildings in the road. I note that the appellant has suggested, should the appeal be allowed, that he would be open to the use of different materials and finishes on the front façade of the building. Whilst this might make some difference to the appearance of the building it would do nothing to overcome the harm it would do to the character and appearance of the locality I have set out in paragraph 5.
7. For the reasons set out above I consider that the proposed dwelling is in conflict with the development plan, the LP, the EDS and the EDM. Specifically, Policy 7.4 of the EDM which expects developments to complement their 'street sequence', 'building pattern' and 'scale' and Policy 7B which requires all new developments to create a positive visual impact.

Living conditions

8. The EDM expects new dwellings to meet minimum standards with regard to private garden space. The appeal proposal in terms of overall area meets those requirements. However, the EDM also requires private garden space to be fit for purpose, genuinely private, screened from roads and not permanently over shadowed.
9. The garden space for the proposed dwelling consists of a roof terrace, a narrow balcony and a sunken courtyard at the front of the house. The roof terrace would be accessible from the living area and provide a good standard of outdoor open space, albeit on a small scale. The balcony and the sunken courtyard lie at the front of the proposed dwelling, facing on to Westbury Road. I am not convinced that the narrow balcony outside the kitchen and dining area would meet the definition of outside amenity space set out in the development plan. It would constitute a narrow space functioning more as an access to the sliding doors serving the kitchen and dining areas than a genuine and useable outdoor space. The proposed sunken courtyard whilst not being overlooked from the road would be adjacent to it. In this respect it could not be described as genuinely private as activities taking place in this area could clearly be heard by passers-by, thereby inhibiting the occupants of the proposed dwelling from spending quality time in this area.

10. In these respects I find that the appeal proposal conflicts with the development plan, the EDM, as it would not provide an adequate standard of outdoor garden space which is genuinely private and usable as required by table 7D.2 of the document.

Other Matters

11. The appellant has referred to other planning permissions that have been granted in the area. Whilst I have regard to the information contained in the appellant's statement, I can give the examples cited little weight as I do not have the full details of the proposals. In any case I have dealt with the specific issues related to the effect of the appeal proposal on the part of Westbury Road where it is located.

Conclusion

12. I find that having regard to all the matters before me, including the policies of the development plan, when taken as a whole, the appeal should be dismissed.

Peter Mark Sturgess

INSPECTOR