
Appeal Decision

Site visit made on 1 October 2020

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/A5270/W/19/3242670

1 Eastfields Road, Acton, London W3 0AA

- 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 Marcus Zaman against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192768FUL, dated 11 June 2019, was refused by notice dated 4 October 2019.
 - The development proposed is the erection of a single story new build house with basement at Rear of 1 Eastfield Road.
-

Decision

1. The appeal is dismissed.

Procedural and preliminary matters

2. While some of the evidence before me refers to the site's address as Eastfield Road, the sign in the footway near to the appeal property confirms that it is Eastfields Road. I have proceeded on that basis.
3. Most of the evidence refers to the site as a car parking area with access from Noel Road beyond the rear garden of No 1. At the site visit, the site was part of the garden at the back of 1 Eastfields Road with the boundaries to the road and adjacent properties marked by a timber fence.

Main issues

4. The main issues are the effect of the proposed development on the character and appearance of the local area and on the living conditions of the occupiers of 1 Eastfields Road and 24 Noel Road with particular regard to visual impact.

Reasons

Character and appearance

5. The proposal is to erect a detached dwelling with accommodation at ground and basement levels at the rear of 1 Eastfields Road, which is a 2-storey building in use as flats that occupies a corner plot in a mainly residential area. When seen from Noel Road, the new addition would be perceived as a single storey building given that the basement would be largely out of public view. The proposal would also project forward of the front elevation to 24 Noel Road, which is a 2-storey property adjacent to the site.

6. From Noel Road, in both directions, the proposal would appear unusually small compared to the more substantive and much taller 2-storey buildings on each side and those that generally prevail in the local area. In these views, the proposed window and door openings in the front elevation would clearly signal the appeal scheme to be a dwelling rather than an outbuilding or garage that might typically be found in rear garden locations. That the proposal would also stand noticeably forward of the front of No 24, which follows a common build line with nearby properties that face the same side of the road would also draw the eye in the street scene. It would accentuate the uneasy visual and physical relationship between the new and existing buildings.
7. The proposed dwelling would abut the site's boundary on 2 sides and be close to the back garden of No 1 and the highway on the other sides. By introducing a dwelling within a modest sized plot, with limited space around it, the proposed building would appear cramped in terms of layout. It would contrast markedly with the more spacious layout of housing nearby which are generally set further back from the road typically with larger gardens. As a result, it would represent overdevelopment of the site and be obtrusive and a discordant element in the local area.
8. I accept that the bespoke design of the proposed dwelling reflects the particular characteristics of the site and its relationship with neighbouring properties. From what I saw the surrounding area, whilst having a coherent character and appearance, is capable of successfully accommodating a variety of dwellings in terms of size. External materials would match those of No 1 and design features such as the proposed front gable take their cue from the other nearby properties. However, the overall visual effect of the development is contrived and unconvincing. The new dwelling would appear diminutive in its particular context and squeezed awkwardly into too small an area.
9. Reference is made to the Council's decision to grant planning permission for a small self-contained dwelling at 6 Highlands Avenue with background details provided. However, this property is some way from the site and does not form part of the same street scene as the proposal. The appellant has also referred to the detached dwelling at 335B Horn Lane, which is separated from the adjacent properties that face Noel Road by a narrow service access. The Council recently granted planning permission for a similar dwelling at No 335B to the proposal, albeit to replace an existing dwelling that had previously been converted from a detached outbuilding and then enlarged. These matters clearly differentiate it from the appeal scheme.
10. On the first main issue, I conclude that the proposed development would cause significant harm to the character and appearance of the local area. As such, it conflicts with Policies 7.4 and 7.5 of the London Plan (LP) and Policies 7.4 and 7B of the Council's Development Management Development Plan Document (DPD). These policies seek to ensure that development has a positive visual impact, achieves high quality design and complements the pattern and scale of buildings. It would also be at odds with the National Planning Policy Framework, which states that developments should add to the overall quality of the area and be sympathetic to local character.

Living conditions

11. With the new built form in place, there would be a blank wall along part of the shared boundary with No 24. This adjacent property has a ground floor bay

window from which the upper part of the new wall projecting above the boundary wall would be evident. However, the proposal would be modest in height and the main direction of outlook from the bay window of No 24 across the forecourt would not be significantly affected. As a result, the proposal would not overbear when seen from the front of No 24.

12. A narrow but still useable garden would separate the rear ground floor windows of No 1 with the new addition. From this direction, the sidewall of the new dwelling would be seen directly and at close range. Even so, the new addition would keep a relatively low profile compared to the 2-storey flank wall of No 24 beyond. Its impact could also be visually softened with additional planting within the garden of No 1, which could be the subject of a condition. For these reasons, the proposal would not feel oppressive when viewed from No 1.
13. On the second main issue, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 1 and 24. As such, it does not conflict with LP Policy 7.4 and DPD Policy 7B insofar as they aim to safeguard residential amenity. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the effect of the development on the character and appearance of the local area.

Other matters

14. Once built, the proposal would add to the supply and choice of new homes, which has strong policy support. It would also make efficient use of the land available at the rear of No 1. However, these considerations do not outweigh the significant harm that I have identified.
15. The Officer's report includes a draft notice, which states that planning permission is granted subject to the conditions listed in Schedule B. However, this was obviously a mistake since Schedule B sets out the reasons for refusal and the rest of the report substantiates those reasons.
16. The Council and interested parties raise several additional objections including the limited garden space available for the occupiers of No 1, pollution, light, privacy, parking, noise, demand on local community facilities, accessibility and potential subsidence. These are all important matters and I have taken into account all the evidence before me including the appellant's firm rebuttal. However, given my findings with regard to the first main issue main, these are not matters upon which my decision has turned.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR