
Appeal Decision

Site visit made on 20 October 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2020

Appeal Ref: APP/A5270/W/20/3254434

11 Newburgh Road, Acton W3 6DQ

- 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 Mr C Dovell (Westside Property Development Ltd) against the Council of the London Borough of Ealing.
 - The application Ref 195450FUL, is dated 20 December 2019.
 - The development proposed is redevelopment of garage site at rear of house to create a two-storey dwelling containing two studio flats.
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Decision

1. The appeal is dismissed and planning permission refused for redevelopment of garage site at rear of house to create a two-storey dwelling containing two studio flats.

Preliminary Matter

2. The appeal submission includes a visualisation drawing and daylight, sunlight and overshadowing reports. These documents were not before the Council at the time of the planning application. Nevertheless, the documents do not change the proposal and the Council has had the opportunity to comment on them. I have therefore taken the documents into consideration as no prejudice would be caused to any party.

Main Issue

3. The Council did not make a decision on the planning application within the statutory period and this has taken the jurisdiction to determine the application away from the Council. However, the Council has provided an appeal statement which sets out that it would have refused planning permission on the basis of the effect of the proposal on the character and appearance of the area.
4. Consequently, the main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. There are currently views along Chaucer Road, over the existing single storey garage block, towards the rear of buildings in Newburgh Road. The single storey height of the garage block provides some degree of openness and visual relief in an area that is densely developed.

6. The proposed development would replace the existing garage block with a slightly narrower 2 storey building. Whilst I note that the height of the proposed building would be lower than neighbouring dwellings, its width would be sizeable at around 8 metres. The building would be positioned very close to the end of Chaucer Road and it would not reflect the level of set-back of neighbouring 2 storey dwellings in the street. Consequently, there would be limited opportunities to soften the appearance of the proposal through soft landscaping and planting. As such, taking into account its scale and siting close to the road, the proposed building would cause an oppressive sense of enclosure in Chaucer Road.
7. Furthermore, the limited set-back of the proposed building from Chaucer Road, together with its location close to the rear elevation of No 11 Newburgh Road would create a cramped appearance. The building would appear shoe-horned into a modest space to the rear of No 11 Newburgh Road and the subdivided gardens would be uncharacteristically small compared to the typical garden sizes in the area.
8. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy 7.4 of the Ealing Development Management Development Plan Document 2013 and Policies 7.4 and 7.6 of the London Plan 2016. These policies, amongst other things, seek development that complements the street sequence, building pattern and scale. It would also conflict with emerging Policies D2 and D4 of the draft London Plan, the aims of which are similar to those of the adopted development plan policies. Furthermore, the proposal would be contrary to Chapter 12 of the National Planning Policy Framework (the Framework), which seeks the creation of high quality buildings and places.

Planning balance and conclusion

9. The proposal would make a contribution to housing supply, and, in this respect, I have had regard to the support provided by the Framework for the more efficient use of land and the development of small windfall sites. Whilst the draft London Plan is not adopted policy and cannot be given full weight at this stage, I acknowledge that Policy H2 encourages the development of small sites. The proposal would also be in a location that is accessible to local services. However, such benefits from 2 additional units would be limited given the modest amount of development.
10. There is no substantive evidence before me to suggest the Council cannot demonstrate a deliverable 5 year housing land supply at present. I recognise that the draft London Plan identifies a new housing target for the London Borough of Ealing but, as that has not yet been adopted, I afford the emerging target limited weight.
11. Whilst I acknowledge that the proposal would provide benefits as set out above, this would not outweigh the harm that would be caused in respect of the effect on the character and appearance of the area.
12. I therefore conclude that the appeal should be dismissed.

C Osgathorp INSPECTOR