



Appeal Decisions

Site visit made on 10 November 2020

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an Inspector appointed by the Secretary of State

Decision date: 3rd December 2020

Appeal A Ref: APP/A5270/W/20/3258986

Land to the rear of 2-26 Kingsbridge Crescent and 14 Kingsbridge Crescent, Southall UB1 2DL

- 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 J Sandhu against the decision of the Council of the London Borough of Ealing.
- The application Ref 201873FUL, dated 13 May 2020, was refused by notice dated 20 July 2020.
- The development proposed is the erection of 1 dwelling including access, parking and landscaping; demolition of existing outbuilding, alterations and extensions to 14 Kingsbridge Crescent.

Appeal B Ref: APP/A5270/W/20/3253858

Land to the rear of 2-26 Kingsbridge Crescent and 14 Kingsbridge Crescent, Southall UB1 2DL

- 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 J Sandhu against the decision of the Council of the London Borough of Ealing.
- The application Ref 195110FUL, dated 2 December 2019, was refused by notice dated 24 January 2020.
- The development proposed is the erection of 2 dwellings including access, parking and landscaping; demolition of existing outbuilding; alterations and extensions to 14 Kingsbridge Crescent.

Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. As set out above there are two linked appeals on this site. In Appeal A, there would be 1 detached dwelling whereas in Appeal B, there would be 2 semi-detached dwellings. The dwelling in Appeal A would also have a sloping asymmetrical pitched roof in contrast to the two dwellings in Appeal B that would have gable ends, where they would flank onto the gardens of Lady Margaret Road and Kingsbridge Crescent.
3. Other significant differences are a reduction in car parking spaces, an increase in soft landscaping extent and the repositioning of a bin store in Appeal A compared to Appeal B. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

4. For the sake of accuracy, the location details of each of the proposed developments have been amended from that in their application forms. In this respect, the location here additionally refers to 14 Kingsbridge Crescent as works are proposed to the property as part of the proposals.
5. A Council reason of refusal based on character and appearance is common to both appeals. In Appeal A, the reason for refusal refers to 7B of the Ealing Development Management Development Plan Document (DPD) 2013 and Policies 3.5 and 7.3 of the London Plan (LP) 2016. These policies do not appear in the reason for refusal for Appeal B. Although the proposals are different, these policies are equally applicable in Appeal B and have been considered here.

Main Issues

6. For each appeal, the main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of neighbouring properties, having regard to outlook, privacy, and noise and disturbance.

Reasons

Character and appearance

7. The appeal site comprises an irregular shaped plot which includes a large outbuilding and disused land. The parcel of land wraps around the rear of properties in Kingsbridge Crescent with access between Nos 12 and 14 and backs onto the rear gardens of the properties on Lady Margaret Road. The site also comprises No 14, an end of terrace two storey property with hipped tiled roof and render finish. The dwelling has been extended to the rear and has a large outbuilding in the garden.
8. Kingsbridge Crescent and Lady Margaret Road comprise mainly terraced dwellings which are set back from the road with modest sized rear gardens. Within the rear gardens, many properties have substantial sized outbuildings of single storey construction, including within the vicinity of the appeal site. Further west along the crescent, there are commercial buildings and the playing fields of a primary school (between this road and Lady Margaret Road). As a result, the character and appearance of the area is varied, with the presence of smaller scale but extensively sized buildings to the rear a feature.
9. In both proposals, the development would result in the removal of a large outbuilding which would approximately equate to the footprint of the dwellings in either of the appeals. The developments would make efficient use of land that is unsightly. The existing plot of land is vacant attracting anti-social behaviour and fly-tipping. In both appeals, there would be removal of some hardstanding at the front and replacement landscaping. In Appeal A, there would also be extensive landscaping areas which would be an enhancement to character and appearance. The asymmetrical sloping pitched roof reduces the massing of the dwelling when viewed from some of the surrounding properties.
10. However, Appeal A dwelling's two storey's scale and height would be noticeable from the front and rear, and the incongruous gable design would markedly stand out in this backland location. In contrast, existing outbuildings are considerably smaller in height and scale. Although in an angled position, the front corner of the dwelling would also be sited close to the rear gardens of

properties in Lady Margaret Road. The layout would also comprise an extensive and dominant hard surfacing outside of necessary parking, turning and manoeuvring areas, as detailed on the submitted site plan. Despite the varied pattern of development within the vicinity, such features would result in an intrusive form of development by virtue of failing to respond to the built structure and form of the surrounding area.

11. In Appeal B, the two dwellings would be of greater height and scale. The frontage of the dwelling closest to Kingsbridge Crescent would also have an uncharacteristic short garden and the car parking, turning and manoeuvring areas would be overly developed and dominant. The gardens would also be noticeably smaller in overall area compared to that prevailing within the area. Similarly, the proposal would harm the character and appearance of the area.
12. The density of the proposals are well within local plan policy density ranges prescribed for a suburban location such as this. However, density is only one measure of judging the acceptability of development impact upon character and appearance. In both appeals, considerations of scale, height, siting and layout of the schemes are of great significance and when taken together, confirm harm.
13. In each of the proposals, there would be the partial removal and alteration of the front corner of the dwelling at No 14 which would result in a stepped front building line and an overhanging roof element. Whilst the partial stepping back at first floor would be uncharacteristic, such a small-scale alteration would not stand out markedly, especially as many of the original dwellings had an open recessed porch on their front corners. Finally, there is no reason to disagree with the findings of the Council in raising no objection to the rear single storey extension to No 14.
14. For all these reasons, each appeal development would not be high quality in design and would harm the character and appearance of the area. Accordingly, each proposal would be contrary to Policies 7.4 and 7B of the DPD and policies 3.5, 7.3, 7.4 and 7.6 of the LP.

Living conditions

15. In Appeal B, a dwelling would be located close to the rear garden boundaries of properties on Kingsbridge Crescent whilst the angled flank of the other dwelling would also be at its closest point, approximately 1.2m, from the garden boundary of properties on Lady Margaret Road. Given the height and width of the dwelling elevations concerned, this would result in an overbearing impact on the occupiers of these properties and there would be an adverse loss of outlook for them. In Appeal A, the changed roof shape and lower eaves would result in no significant loss of outlook to the occupiers of the neighbouring properties.
16. In Appeals A and B, the frontage first floor windows of dwellings would face the rear gardens of properties on Lady Margaret Road but at an angle. Furthermore, the affected areas would be the bottommost sections of these rear gardens, some of which have outbuildings. For these reasons, there would be no significant loss of privacy to the occupiers of neighbouring properties for each of these appeals.

17. There would be increased traffic movements associated with either of the appeal developments. Access would be close to the flanks and garden of neighbouring properties on Kingsbridge Crescent. However, the daily traffic movements associated with up to 2 dwellings would not be great and consequently, there would be no significant vehicular noise and disturbance. In Appeal B, a bin storage area would be located near to the windows of No 14 but there should be no reason why a planning condition could not ensure a more satisfactory position.
18. In summary, there would be no significant loss of privacy or adverse noise and disturbance to neighbouring residents in either of the appeals. There would be no adverse loss of outlook to neighbouring residents in Appeal A. However, there would be a significant loss of outlook and harm to the living conditions of residents in respect of Appeal B. Accordingly, this proposal would conflict with Policy 7B of the DPD and Policies 3.5 and 7.6 of the LP.

Other matters

19. The development will create natural surveillance across the site which currently lacks security and surveillance. Fear and anxiety of crime would be significantly reduced which would enhance the amenity of surrounding occupiers. There has been a lack of neighbour objection to the proposal.
20. However, a lack of neighbour objection cannot be relied upon to imply that a development would be acceptable to interested parties. There can be any number of reasons why interested parties do not submit representations and each proposal has to be considered in terms of the longer-term interests of the area, including future residents. Furthermore, the harm to the character and appearance of the area (Appeals A and B) and living conditions (Appeal B) would be significant for the reasons indicated and would be permanent. As a result, these considerations would not outweigh the harms that has been identified in each of the proposals.
21. The proposal could result in a significantly reduced plot size for the occupiers of No 14. Had there not been substantive reasons for dismissing this appeal, the status of the landscaped area of land behind No 14 would have been clarified.

Conclusion

22. In Appeal A, there would be harm to the character and appearance of the area which would be contrary to the identified policies of the DPD and LP. In Appeal B, there would be additional harm to the living conditions of the occupiers of neighbouring properties and thus there would be additional conflict with the identified policies of the DPD and LP. In each proposal, the proposal would accordingly conflict with the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decisions should be taken other than in accordance with the development plan and therefore, planning permission should be refused in each of the appeals.
23. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Jonathon Parsons

INSPECTOR