



Appeal Decision

Site visit made on 1 December 2020

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2020

Appeal Ref: APP/A5270/W/20/3252836
115 Ruislip Road, Greenford UB6 9QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr William Michael against the decision of the Council of the London Borough of Ealing.
 - The application Ref 200295OUT, dated 21 January 2020, was refused by notice dated 19 March 2020.
 - The development proposed is the construction of up to 8 new dwellings, with associated amenity space, car parking and cycle parking following the demolition of an existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with access to be determined at this stage, and all other matters reserved for future consideration. A layout plan shows an access off Ruislip Road.
3. The layout plan also shows the siting of a frontage block of flats, a bungalow to the rear, associated parking and access areas, and amenity spaces. The frontage building is shown to have a pitched roof with dormers whilst the bungalow is shown with a flat natural green roof. The plan also shows the internal arrangement and floor areas of flats within the frontage building. Further plans show three dimensional images of the proposed development. All these additional plans and details have been treated as indicative only.
4. The design, appearance and scale of the shown frontage flatted building is similar to that of another permitted scheme. Based on the context of the site, the indicative details demonstrate that a block of 7 flats could be sited on the frontage, a view that concurs with that of the Council. For these reasons, the reasoning in this appeal decision shall mainly focus on the merits of an additional dwelling.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

Character and appearance

6. The appeal site comprises a two storey detached dwelling with a large rear garden which is accessed off Ruislip Road. On the frontage, the site is bound by a house on Ruislip Road on one side and allotment gardens on the other side. Opposite the site across the road, there is further residential development including flats. The site's rear garden is landlocked between the modest sized rear gardens of dwellings and outbuildings on Braund Avenue and Ruislip Close.
7. The appeal property has a larger rear garden than those surrounding it. It is roughly more than double the size and approximately three times the length of most of the gardens of the surrounding properties. However, the bungalow is shown to be served by a pedestrian access alongside the flatted block off Ruislip Road which would result in a backland siting. There is an absence of this type of tandem development in the surrounding area which although varied, retains a clearly identifiable quality of frontage development with rear gardens behind.
8. The indicative shown bungalow would have a gross internal area of approximately 84 sqm and would be set in from the boundaries of the site by approximately 3.5m. A number of surrounding properties have outbuildings to the rear, with many around 40-50 sqm in area and a smaller sized bungalow than indicated could be positioned on the site.
9. However, a bungalow development would appear considerably different to an outbuilding by reason of its design, including entrances and windows. It would also have an attached garden and domestic paraphernalia, associated with a residential use, such as storage areas including sheds, bins, activity, outside clothes airers, etc. By reason of domestic necessity, it would not be reasonable to control such matters by planning condition.
10. The illustrative details just show one way of developing the site. However, the existing dwelling establishes the principle of replacement development on the frontage. The illustrative layout plan shows internal room arrangement and floor areas of the flats. It also shows that a greater number of units would result in a greater size of building which would be considerably larger than neighbouring dwellings. In the absence of any evidence to the contrary, it has not been demonstrated that a 8 units frontage building would not harm the character and appearance of the area.
11. There would be limited public views of the development to the rear. However, to achieve well-designed places, the National Planning Policy Framework (the Framework) indicates decisions should ensure that developments are sympathetic to local character and would be visually attractive as a result of good layout, considerations that cannot be assessed solely on lack of public visibility. In this regard, the uncharacteristic nature of any backland development would appear noticeably unrelated to the pattern and grain of existing spaces and streets and consequently, this form of development would not meet these requirements. Furthermore, such a type of development would result in long term adverse impact on appearance and character which would be noticeable to the occupants of surrounding properties and the future occupants of any flatted block.

12. Other dwellings have been permitted in backland locations in Madeley Road, Grange Park (Nos 53 and 54) and South Ealing Road. However, invariably every proposal will differ in its nature and its context. None of the permitted dwellings are within the vicinity of the immediate area surrounding the appeal site.
13. At Madeley Road, the existing building on the site has been indicated to be more akin to a residential dwelling due to size and design, and the proposed dwelling would have a lower profile than the existing building. No such building exists on the current appeal site. In South Ealing Road, the proposed dwelling would have been similar to a permitted neighbouring backland dwelling and in an area with a different mixed residential and commercial context. On this appeal site, the frontage building had a commercial use on ground floor and residential use above. Similarly, the permission for dwellings at Grange Park had a different context. The sites had a tall block of flats to the front and car parking yards and garaging to the rear, and a corresponding more built up context. Therefore, there are material differences between these developments and the appeal proposal before me. In any case, every proposal has to be considered on its particular planning merits.
14. For all these reasons, the development would not enhance the quality of the locality and would not be high quality in design. Accordingly, it would harm the character and appearance of the area in conflict with Policy 7.4 of the Ealing Development Management Development Plan Document (DPD) 2013 and Policies 3.5, 7.4 and 7.6 of the London Plan (LP) 2016.

Other matters

15. The development would result in a net increase of 7 dwellings and would boost housing supply. The proposal would make more effective use of land which would accord with Framework policy help to promote and support the developments of under-used land and buildings. Furthermore, small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly.
16. These economic, social and environmental benefits would weigh in favour of the proposal in a borough where it has been indicated housing land supply is constrained. However, the net dwelling unit increase has to be qualified. The principle of development of 7 flats on the frontage has been established through an earlier planning permission. There are also no objections to the indicative number of flats shown under this proposal. The proposal would not be sympathetic to local character and would be visually attractive as a result of good layout and yet the creation of well-designed buildings and places is fundamental to what the planning and development process should achieve.
17. The appellant has cited an absence of a 5 year housing land supply (5YHLS) and the Council has not provided any contrary evidence. Nevertheless, even in the absence of a 5YHLS, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, for all the above reasons. Accordingly, the presumption in favour of sustainable development would not apply.
18. The emerging Draft London Plan has been subject to examination and is nearing adoption. Emerging Policy H2 indicates that small sites should play a greater role in housing delivery in order to achieve the housing targets set out

in emerging Policy H1. Furthermore, the plan indicates that Ealing is one of the boroughs capable of providing a higher amount of housing. The plan also indicates that Councils should pro-actively support well designed new homes on small sites and that small sites would provide about 20% of the total housing target for Ealing. However, the emerging Policy D4 also places an emphasis on high quality design and for the reasons given above, the proposal would fail to achieve this through not adding to the overall quality of the area and being unsympathetic to local character.

Conclusion

19. The proposal would result in new housing in accordance with local planning policy. However, the harm to the character and appearance of the area would be permanent and overriding for the reasons indicated. Accordingly, the proposal would conflict with DPD and LP policies and the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR