



Appeal Decision

Site visit made on 29 January 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2021

Appeal Ref: APP/A5270/W/20/3260316

14 Mayfield Road, Acton W3 9HQ

- 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 Alastair Graham against the decision of Ealing Council.
 - The application Ref 202136FUL, dated 3 June 2020, was refused by notice dated 24 September 2020.
 - The development proposed is described as 'Back and side extension to the ground floor flat to create 1 studio flat and 1x2 bedroom apartment'.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a back and side extension to the ground floor flat to create 1 studio flat and 1 x 2 bedroom apartment at 14 Mayfield Road, Acton W3 9HQ in accordance with the terms of the application, Ref 202136FUL, dated 3 June 2020, subject to the conditions set out at the end of this decision.

Main Issue

2. The main issue is the effect on the character and appearance of the existing property and the area.

Reasons

3. The appeal building is a three-storey semi-detached property which benefits from a three-storey rear extension. The appeal proposal seeks to construct a single storey rear extension. This would wrap around this existing projection, infilling the space to the side of the extension and also extending to the rear.
4. Whilst the proposed structure would extend a good distance beyond the rear elevation of the original property, the projection beyond the rear elevation of the existing extension would be comparatively smaller. When viewed in the context of the depth and height of the historic three-storey extension, the overall scale of the proposed single storey extension would not appear overly prominent. Given that the extension would be single storey, it would appear subservient to the adjoining building. As such, the appeal proposal would sit comfortably both in the space around the existing building and within the sizeable plot. Consequently, the appeal scheme would not appear unduly dominant or intrusive.
5. This part of Mayfield Road is characterised by good sized buildings of different designs set within spacious plots. They include a variety of rear additions with

no rigid rear building line. In view of this, whilst the proposed extension would extend slightly further to the rear than other properties in this row, it would not be at odds with the existing development pattern. I acknowledge that the proposal would extend beyond the side elevation of the existing property towards No 45 Rosemont Road, but a reasonable space would remain between the two properties. Taking all these matters into account, I consider that the appeal scheme would not undermine the character or appearance of the host property or the vicinity.

6. Whilst I note the Council's concerns that the proposed extension would subsume the original character of the building, this character has already been undermined by the existing three-storey rear extension. This extension covers a good part of the original rear elevation of the property. In addition, the proposed single storey extension would obscure only a small area of the original rear elevation at ground level. This area currently includes a door and a window which do not appear to be original and make little contribution to the character and appearance of the property. I therefore attach limited weight to this matter in consideration of the appeal.
7. In view of the above, it is my view that the appeal proposal would not harm the character or appearance of the property or the vicinity. The proposal therefore accords with Policies 1.1 and 1.2 of the Ealing Development Strategy Development Plan Document (2012), Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013), Policies 7.4 and 7.6 of the London Plan (2016), Policies D1 and D4 of the Draft New London Plan (2019), the National Planning Policy Framework (the framework) and the SPD4 Ealing Residential Extensions Supplementary Planning Document (2004) which, taken together, promote good quality design which responds to existing character and context.

Other matters

8. Whilst I acknowledge the projection may be designed to meet the floorspace requirements within the London Plan, this does not alter my view that the proposal would not significantly harm the character and appearance of the existing building.
9. I have considered a number of issues raised regarding the appeal proposal by existing residents. I note comments relating to the removal of mature trees, damage to a neighbour's property, the original dwelling already being extended and divided into flats, that a studio flat would be out of keeping with the area, no garden space is proposed for existing residents of the building, other residents have experienced access issues and the lack of discussion/consultation regarding the development proposals. However, these matters are not contested by the Council and, in my judgement, none of this is of sufficient weight to alter the balance of considerations in this appeal.
10. Similarly, I note comments regarding the need for family houses, rather than small units in this locality. However, in the absence of any evidence in respect of this matter, I afford it limited weight in the consideration of this appeal.
11. I consider that concerns regarding potential disturbance during the development phase can be addressed through a condition controlling hours of construction.

12. I have considered neighbours' concerns regarding the potential impact of the development on their living conditions, but note that this did not form part of the Council's reasons for refusal. Notwithstanding, given the distance between the proposed development and adjacent dwelling, No 45 Rosemont Road, as well as the fact that the extension would be single storey, the level of light experienced by that property is unlikely to be significantly reduced. Concerns regarding potential noise disturbance between the existing upper floor flats and new units would be addressed through Building Regulation requirements and the condition proposed requiring sound insulation. On this basis, these matters are not so significant that they change my view that the proposed development is acceptable.

Conditions

13. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. I attach a condition requiring cycle storage provision in order to promote active travel and in the interest of sustainability. A condition regarding refuse and recycling storage is also required in the interest of sustainability and to protect the appearance of this site. I attach conditions in respect of external materials in order to protect the appearance of the site.
14. The Council's suggested condition regarding sound insulation works does not correctly reference noise levels. I have therefore attached a revised condition which requires a scheme to be approved and implemented prior to the occupation of the development. This would protect the living conditions of future residents.
15. I consider the Council's suggested condition requiring a Construction Management Plan to be onerous for a development of this scale. As such it would not be fairly and reasonably related in scale and kind to the development and does not meet the tests in Paragraph 56 of the Framework. Consequently, instead I have instead attached a condition limiting hours of construction. This would protect the living conditions of existing residents during the construction phase.
16. I have not attached the Council's suggested condition relating to noise levels from plant or machinery as this would be covered by the condition limiting hours of construction during the development phase and by Environmental Health legislation post-development. Also, I have not attached the Council's suggested condition restricting permitted development for the formation of windows or openings as flats do not benefit from permitted development rights for such works. On this basis, the conditions are not necessary to make the development acceptable in planning terms and therefore does not meet the tests in Paragraph 56 of the Framework.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Rebecca McAndrew

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Drawing no PL-1000 Rev 0
 - Drawing no PL-1001 Rev 0
 - Drawing no PL-1010 Rev 0
 - Drawing no PL-1011 Rev 0
 - Drawing no PL-2000 Rev 03
 - Drawing no PL-2001 Rev 00
 - Drawing no PL-2002 Rev 02
 - Drawing no PL-4000 Rev 02
 - Drawing no PL-4001 Rev 04
3. The external surfaces of the development hereby permitted shall be constructed in the materials listed within the submitted application form, and Planning Design and Access Statement, and shown on approved drawings PL-4000 Rev 02 and PL-4001 Rev 04
4. Prior to the beneficial occupation of any flat hereby approved, cycle storage shall be provided in accordance with the approved plans and retained thereafter.
5. Prior to the beneficial occupation of any flat hereby approved, refuse and recycling storage areas shall be provided and brought into use, in accordance with the approved details on drawing PL- 2000 Rev 03, and those areas shall thereafter be kept available for the storage of refuse and recycling materials.
6. Construction works shall take place only between 0800-1800hrs Mondays to Fridays and 0800 -1300 hrs on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays
7. A scheme for the sound insulation of the extension hereby approved shall be submitted to and approved in writing by the local planning authority. The approved sound insulation works shall be completed before occupation of the development hereby approved and retained thereafter.