



Appeal Decision

Site Visit made on 23 February 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/A5270/D/20/3259454

79 Castlebar Park, London W5 1DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr. Murlidhar Mulchandani against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 201606HH, dated 22 April 2020, was refused by notice dated 25 June 2020.
 - The development proposed is a detached garden outbuilding for ancillary use (utility room, gym and music room) following demolition of outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a detached garden outbuilding for ancillary use (utility room, gym and music room)(following demolition of outbuilding) at 79 Castlebar Park, London W5 1DA in accordance with the terms of the application, Ref: 201606HH, dated 22 April 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved drawings: Original and Proposed Area Diagrams SK_D01 Revision A; Drawings of Proposed Garden Room 1 SK_D02 Revision B; Existing Site Plan SK_SP01 Revision A; Existing Site Location Plan SK_SP01 Revision A; Proposed Demolition Plan SK_P02; Proposed Site/Block Plan SK_P11 Revision B.
 - 3) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 79 Castlebar Park.
 - 4) No development shall take place, including any works of demolition, until a sound and vibration insulation scheme for the outbuilding, to protect the occupiers of properties in the vicinity from unacceptable levels of noise and disturbance associated with the use of the proposed development including the music room and gym equipment, has been submitted to and approved in writing by the local planning authority. All works which form part of the scheme as approved shall be completed before any part of the development is occupied and shall be retained thereafter.
 - 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:

i) arrangements for loading, unloading and storage of plant and materials in constructing the development; ii) recycling/disposing of waste resulting from construction works; and iii) delivery, demolition and construction working hours. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

Preliminary Matter

2. The description of development in the banner heading and decision above is taken from the appeal form and decision notice as it is more succinct than that shown on the application form.

Main Issue

3. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached two-storey dwelling and its garden areas. The neighbourhood has a predominantly traditional twentieth century residential character with some variation. There is a noticeable Edwardian element with some later properties. Variation includes a mix of detached and semi-detached dwellings, and buff and red brick. Some side and rear garage buildings are visible from the street. Timber is present in the townscape, particularly in garden fencing.
5. The house has a fairly traditional core character with some modern twists. It is of red and buff brick, with white render at first floor level, and a substantial timber clad dormer on the rear roof slope. The building's exterior incorporates some variety of materials, and its exterior articulates a quiet architectural confidence.
6. The proposed flat-roofed garden outbuilding would have a footprint of approximately 40sq.m, with an eaves height of between around 2.5m and 2.9m. The outbuilding's total depth would be approximately 14m, of which the main body would comprise around 10.6m depth.
7. The Council is concerned that by exceeding a pattern of development exemplified by a depth range of 6m to 7m - which is the depth of a garden outbuilding approved elsewhere on Castlebar Park - the appeal proposal would result in an inappropriate scale of development in the domestic garden.
8. However, to what extent the other outbuilding defines the area's character and pattern of development is open to question. Also, it does not automatically follow that the above depth range should be universally applied.
9. The following combination of elements would help the proposal to strike an acceptable balance between having architectural personality and assimilating into its suburban garden setting. The outbuilding's clean lines, rounded corners and palette of timber cladding, buff brick, grey roof and grey window frames would together create a stylish look. The use of timber would echo the dwelling's rear dormer finish and wooden garden fencing in the locality. Buff brick at the ends of the outbuilding would echo use of this material on the main house and in the vicinity.

10. The following would help moderate views of the proposed grey membrane flat roof from upstairs windows of houses in the vicinity: intervening garden vegetation, boundaries and outbuildings in the neighbourhood, including the neighbouring garage building; separation gaps between houses; and obliqueness of angles of view. The roof would sit lower in the garden landscape than the rooftop level of the neighbouring garage. A substantial proportion of the garden space would remain.
11. Also, the main 'flow' of views from the rear of the house down the back garden would be maintained. The setback from the street would help the outbuilding to visually integrate within its setting.
12. Consequently, the proposal would not harm the character and appearance of the area. As such, it would not conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and Policies 7.4 and 7.6 of the London Plan (2016)¹. Together the policies seek to ensure that development complements local character.
13. Policy D1 of the pending new London Plan (NLP) focuses on the requirement for boroughs to prepare development plans informed by area assessments. Policy D2 of the NLP covers the linking of development density to strategic infrastructure provision. These policies are thus of a strategic type and scale beyond the scope of this case.

Conditions

14. The conditions suggested by the Council have been considered against the tests of the National Planning Policy Framework and advice provided by Planning Practice Guidance. They have been broadly found to be reasonable and necessary in the circumstances of this case. I have made some minor drafting changes to suggested conditions in the interests of precision. Conditions regarding timeliness and adherence to the submitted plans are attached in the interests of precision. Conditions covering ancillary use, sound and vibration insulation, and construction management are required to protect the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons given I conclude that the appeal should succeed.

William Cooper

INSPECTOR

¹ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.