
Appeal Decision

Site visit made on 14 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2021

Appeal Ref: APP/A5270/D/20/3258228

26 Blackmore Avenue, Southall UB1 3ES

- 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 and Mrs Nolan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 201404/HH, dated 6 April 2020, was refused by notice dated 5 June 2020.
 - The development is a dormer loft conversion with alterations.
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Decision

1. The appeal is allowed and planning permission is granted for a dormer loft conversion with alterations at 26 Blackmore Avenue, Southall UB1 3ES in accordance with the terms of the application, Ref 201404/HH, dated 6 April 2020, and the plans submitted with it.

Procedural Matters

2. The dormer loft conversion with alterations has been built and the appeal has been considered on this basis. The Council's reason for refusal refers to Policy LV7.4 of Ealing Development Management Development Planning Document (DPD) 2013. There is no such policy. The appeal documentation, including questionnaire, would indicate the relevant DPD Policy to be 7.4 and this has been considered in this decision.
3. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). New LP Design Policy D6 is now relevant and not the 2016 LP policies detailed within the Council's reason for refusal. Such a new policy does not raise fresh considerations given the extension nature of the appeal scheme and thus, there was no requirement to consult with parties.

Main Issue

4. The main issue is the effect of the scheme on the character and appearance of the area.

Reasons

Character and appearance

5. The appeal site comprises a two-storey mid terrace dwelling with an outbuilding to the rear. The area is characterised by terraced dwellings set back from the road which are grouped in pairs, stepped in height from one

- another. Pairs of dwellings exhibit uniformity in design and scale, and to the rear, the majority of dwellings have original unaltered sloping pitched roofs.
6. The Council's Interim Guidance Residential Extensions Supplementary Planning Document 4 (SPD4) states that the ridge of a dwelling should not be raised to provide greater headroom, as this will alter the proportion of the house, and can also spoil the character and uniformity of the street scene. It also indicates that dormers should be designed so that they do not appear unduly obtrusive or dominant, and should not take up extensive area of the roof slope.
 7. The built loft conversion involves an increased roof ridge height, the lifting of the entire principle elevation roof slope on the frontage and a large dormer to the rear. There is a group of three dwellings now with the similar frontage roof slope and height where, previously, there were pairs of two dwellings with these features. It results in a different pattern of street development by virtue of changing the repeated and regular symmetry of pairs of dwellings with graduated heights.
 8. However, the altered roof slope, involving ridge height, is roughly level with one of its terraced neighbours and slightly higher than the other terraced neighbour. As a result, the visible extent of changed roof profile and extent is not great. Indeed, it adds irregularity and interest to the street scene and helps to break up the blandness of the terrace, in the same way that the pairs of terraced dwellings with graduated height increases in roof height do. For this reason, the frontage of the dwelling is visually attractive as a result of good architecture and sympathetic to local character, and an exception can be made to the guidance of the SPD4 in respect of the increased ridge height.
 9. Turning to the rear dormer, it is large and dominant due to its size and extent virtually across the whole of the original roof. Although to the rear, this is not of the highest design or architectural quality. It is for this reason that the scheme conflicts with Policies 7B and 7.4 of the DPD and Policy D6 of LP, which collectively and amongst other matters, require high quality design, developments to complement, not necessarily replicate local architectural character, building pattern and scale, and have regard to the pattern of streets in scale and proportion. There is also conflict with the guidance of SPD4 due to the rear dormer.

Other matters

10. Nevertheless, a certificate of lawful development was granted for a loft conversion, involving a rear dormer and rooflights. Although this involved no raising of the roof height, this confirmed that a large rear dormer could be built as permitted development. The built loft conversion has not been built in accordance with this granted certificate despite this being the stated intentions of the appellants. However, the built rear dormer is not materially different from that granted under the certificate and the Council has not raised specific objections to it. Such material considerations weigh heavily in favour of the scheme.

Conclusion

11. in conclusion, the scheme is contrary to DPD and LP policies, and there is conflict with the development plan taken as a whole. However, the frontage roof alterations are acceptable whilst the dormer extension is not substantially

different to what could be built under permitted development, as confirmed by the granted certificate of development. Therefore, material considerations are of such weight as to outweigh the development plan conflict and therefore, planning permission should be granted in this particular case. By reason of its retrospective nature, there are no planning conditions necessary to be attached to any planning permission.

12. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR