



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: 30th March 2021

Appeal Ref: APP/A5270/W/20/3258079

Brenvilla, Perivale Lane, Perivale, UB6 8TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Richard Sanders (Turlin Holdings Ltd) against the Council of the London Borough of Ealing.
 - The application Ref 195442FUL, is dated 20 December 2019.
 - The development proposed is the construction of 3 self-contained residential units (two storey with habitable loft space) and the provision of associated parking spaces, cycle and refuse storage, amenity spaces and landscaping, following the demolition of the existing building.
-

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. Had it been in a position to do so, the Council would have refused the planning application on the following grounds:

“The proposal due to its scale, design and appearance, would result in a cramped form of visually awkward and unsympathetic development in this prominent corner location, causing harm to the visual amenity of the street scene, the character and appearance of the application site, the adjoining property Hazelwood, and the area as a whole. This would conflict with the National Planning Policy Framework, policies 7.4 and 7B of the Ealing Development Management Development Plan 2013, policies 7.1, 7.4 and 7.6 of the London Plan (2016), and policies 1.1 (g), 1.2 (f), 2.1(c) and 2.10 of the Local Development Framework - Adopted Core Strategy (2012).”
3. Prior to the lodging of an appeal against non-determination, there have been several amendments made to the application. The latest amended plans were submitted on 23 June 2020 and the relevant plans are BV05 100; BV05 101c; BV05 201b; BV05 202b; BV05 203c; BV05 204d; BV05 205 and floor area schedule plan (submitted 23 June 2020). The location plan BV05 100 has been referred to with a revision marked 'a' but no such plan has been submitted. The appeal has been considered on the basis of these plans. In view of the amendments, the description of the proposal has been revised from that in the original application form and reflects that in the appellant's statement of case.

4. The London Plan (LP) 2021 was adopted on 2 March and supersedes the London Plan 2016 (with Consolidated Alterations since 2011). Both main parties were consulted over this plan change and in this case, LP Policy D6 is relevant now instead of previous LP design policies.

Application for costs

5. An application for costs was made by Richard Sanders (Turlin Holdings Ltd) against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Main Issue

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

Reasons

Character and appearance

7. The appeal site comprises a two storey semi-detached dwelling. Along with the neighbouring attached dwelling, it has an attractive 'Edwardian' design. It has been extended to the side and rear, and the pair of dwellings do not match each other. The appeal dwelling is characterised by three gables, with two narrower than the third, in contrast to that of its smaller neighbour which has just one. The site lies at the corner of Perivale Lane and Wicket Road where there is a horse chestnut tree.
8. Wicket Road comprises modern 3-4 storey blocks of flats which are set back from Perivale Lane and the rear of the dwelling on the appeal site. Perivale Lane comprises some blocks of flats but the prevailing pattern of development is of detached dwellings set within spacious plots. These dwellings and flatted blocks are set back from the road with parking areas mainly to the front. Opposite the site, there are playing fields. As a result, there is a varied character and appearance to the area. However, the setting back of residential buildings from the frontage along Perivale Lane has resulted in spacious frontages which have attractive landscaping including hedging and trees surrounding hard surfaced areas.
9. The proposal would result in three terraced dwellings of similar width and height, and plots significantly narrower than most of those along Perivale Lane. The frontages would be dominated by prominent parking areas for the three dwellings and vehicles would be likely to be parked side by side with either their rear or front facing onto the highway. To allow access, there would be a wide and open driveway with cross overs adjacent to the footway. Although the tree would remain, the layout would leave little scope for any meaningful landscaping to break up this open concentration of parked vehicles and associated hard surfaced areas. As a result, such a frontage appearance and parking arrangement would be cramped and unsightly, given the spacious and landscaped nature of frontages within the area.
10. The appeal building façade would incorporate 'Edwardian' style architecture and finishes. To the rear, simpler designed extensions and alterations would take place in an area where there were previously various extensions. Despite the unusual flank projection, the overall detailed aesthetics of the terraced building would be attractive. The proposal would add scale, bulk and massing, the

additional effect would not be significant given the extent of built development already on the site which has already resulted in both semi-detached dwellings not looking alike. However, these considerations would not overcome the considerable adverse impact arising from the prominent, cramped and unsightly frontage areas.

11. There has been a previous planning permission for two dwellings on the site but by virtue of being a smaller scaled scheme, this scheme would be different in frontage layout. There have been several appeals allowed where a main issue was the effect of a proposal on the character and appearance of the area, having regard to development plan policies similar or the same as that here. These relate to developments at Popes Lane, Tavistock Avenue, Melbourne Avenue, Amherst Avenue, Harrow View Road and Richmond Road. However, these developments are not within the immediate vicinity of the appeal site and inevitably, proposals and contexts will vary from one another and these examples demonstrate that every proposal has to be considered on its particular planning merits.
12. For all these reasons, the development would harm the character and appearance of the area. Accordingly, the proposal would conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (DPD) 2013, Policy D6 of the LP and Policy 2.10 of the Ealing Development Strategy Development Plan Document 2012 (DSDPD). DSDPD Policies 1.1(g), 1.2(f) and 2.1(c) are not relevant because they do not relate to localised character and appearance matters.

Other matters

13. The proposal would boost housing supply and small sites, such as this, can make an important contribution to meeting housing requirements and are often built-out relatively quickly. Occupiers would have good access to local services and facilities. The development would re-use land for housing. Such benefits would accord with national policy in the National Planning Policy Framework (the Framework).
14. However, the net increase of only two dwellings would be small and the proposal would not be visually attractive due to poor frontage layout, and lack of appropriate and effective landscaping, and would be unsympathetic to local character. Consequently, the proposal would not achieve a well-designed place and under the Framework, good design is a fundamental aspect of sustainable development. Consequently, the adverse impacts of the development would outweigh the benefits of the proposal in a substantive way and the proposal would not be sustainable development under the Framework.
15. There are permitted development rights to enable additional floors above a dwelling subject to certain limitations and conditions. However, the applicant would be required to submit an application for prior approval to the local planning authority which it could refuse. Therefore, the weight to be attached to permitted developments would be limited in any planning balance.

Conclusion

16. There would be harm to the character and appearance of the area in conflict with the policies of DPD, DSDPD and LP. This harm would be significant and overriding, and the proposal would conflict with 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.

17. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused.

Jonathon Parsons

INSPECTOR