



Appeal Decision

Site visit made on 23 March 2021

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

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/A5270/D/20/3262766
90 Ashbourne Road, Ealing W5 3DJ

- 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 Rajesh Kumar Sharma against the decision of Ealing Council.
 - The application Ref 202460HH, dated 19 June 2020, was refused by notice dated 10 September 2020.
 - The development proposed is described as 'conversion of garage into habitable space; part single, part two storey rear extension; first floor side extension; installation of window to first floor side (east) elevation; roof extension to rear roof slope of two-storey rear extension; and installation of roof lights to front, side and rear roof slopes'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Planning permission to extend this property was granted in 2019¹. On my site visit I observed that the approved scheme has been largely constructed. Essentially, the appeal proposal seeks to add a rear dormer roof extension and front rooflight to this previously approved scheme and the Council's reasons for refusal solely relate to these additional elements. I have therefore focussed my attention on these elements in my decision.
3. The Council's description of development includes reference to all works approved under the previous application, as well as the proposed rear dormer extension and front rooflight. Whereas, both the application form and appeal form refer only to the proposed rear dormer extension, with no reference to the proposed front rooflight. In the interest of completeness, I have used the Council's description of development for the purposes of this appeal.
4. I was unable to gain access to the rear garden of the appeal property on my initial site visit on 29 January 2021. I therefore re-visited the site on 23 March 2021.
5. The Council's first reason for refusal refers to Policy 7A of the Ealing Development Management Development Plan Document (DMDPD) (2013) in their decision. However, this policy is largely concerned with the effect of emissions on amenity. Given the nature of the proposal before me, I consider

¹ Reference 184350HH

that this not a particularly relevant policy. I have therefore given it very little weight in my decision.

6. The London Plan (2021)(LP) has been published since the appeal was made. I shall consider the appeal accordingly. In doing so I am satisfied that no injustice will be caused since the relevant policies which seek to deliver good design and safeguard heritage assets are essentially the same as in the previous plan.

Main Issue

7. The main issue is the effect of the development on the character and appearance of the area.

Reasons

8. The appeal site is within the Hanger Hill (Haymills) Estate Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the character or appearance of this Conservation Area.
9. The appeal relates to the proposed installation of a rooflight in the front roof plane of a detached dwelling within the CA. From my site visit I saw that the unaltered front roof plane in almost all properties within the CA is a key design feature which makes a significant contribution to the character and appearance of the properties, the streetscene and the Conservation Area. The Hanger Hill (Haymills) Estate Conservation Area Management Plan (2008) (CMP) also identifies the roofscape as an important element of the character of the CA and advises against the installation of rooflights in the front roof plane.
10. The proposal to install even a single roof light within the front roof plane of the dwelling would unacceptably interrupt this prominent and original roof plane and would be highly visible within the street scene. Whilst it is acknowledged that a conservation rooflight is proposed, this would do little to mitigate the harm I have described. Consequently, this element of the appeal proposal would unacceptably harm the character and appearance of the dwelling itself and the CA.
11. Turning to the proposed rear dormer roof extension, the CMP allows for roof dormers to the rear roof plane, provided that they are of a traditional design (Section 5.4). The CMP also indicates that dormers should be set at least 500mm from the ridge, valley and hips and they should not dominate the roof slope.
12. The combined effect of the width, depth and height of the dormer window would result in a structure which would dominate the roof plane in which it would sit. In addition, the position of the dormer would not line up with the position of the rear windows at first floor level, a further requirement of the CMP. Taking all these matters into account, this element of the appeal proposal would be out of keeping and unacceptably harmful to the character and appearance of the dwelling itself and the area, including the CA.
13. In coming to the above view, I acknowledge that the appellant has stated that the proposal would be finished with moulded eaves, cornices and timber fascias as advocated by the CMP. However, this does not outweigh the harm I have identified in terms of its size and position.

14. In addition to the above, the appellant has included details of a number of nearby properties which include rooflights in the front roof plane and rear dormer windows. From the information provided, it appears that the dormers in Nos 63, 73 and 87 Ashbourne Road predate the adoption of the CMP, the London Plan and the DMDPD. Whilst the scheme which includes a rear dormer to No 68 appears to have been constructed post-adoption of the CMP, from the drawings of this proposal included within the appellant's statement, this feature appears to be more sympathetic in design than the dormer extension which is the subject of this appeal, as it looks to be smaller in scale and sits more comfortably within the host roof plane. Whilst I note that rooflights have been installed in some other properties within the CA, including nearby at 77 Ashbourne Road, they are limited in number and appear to be historic. Therefore, it appears that all of these previous developments differ in circumstances to the appeal proposal. That aside, none of these alter the prevailing character of the CA or in my view provide for as compelling reason to grant planning permission. Moreover, each proposal must be considered on its own merit.
15. In the context of the National Planning Policy Framework (the Framework), the level of harm I have identified must be considered to be less than substantial. Paragraph 196 of the Framework states that where a development would lead to less than substantial harm to the significance of a designated heritage asset (such as the CA), this harm should be weighed against the public benefits of the proposal.
16. However, the benefits associated with inserting a roof light into the front roof plane and a dormer into the rear roof plane of the property are private and do not constitute public benefits that would outweigh the harm I have identified.
17. In conclusion, the appeal proposals would be contrary to Policies D3, D4 and HC1 of the LP, Policies 7.4, 7B and 7C of the DMDPD which amongst other matters seek to secure high quality development which protects the character of the Conservation Area and safeguards against the loss of design features which contribute to the significance of that area. It would also be at odds with the overarching aims of the Framework.

Other matters

18. The appellant voices concern regarding the pre-application advice given by the Council. Having reviewed the information regarding this advice within the appellant's statement, it appears to be consistent with the Council's reasons for refusal. Whilst it is recognised amendments were made to the proposals in response to the pre-application advice, as I have described, the scheme still fails to meet the standard of design which would be required in this sensitive location.

Conclusion

19. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR

