
Appeal Decision

Site visit made on 26 January 2021

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

an Inspector appointed by the Secretary of State

Decision date: 29th April 2021

Appeal Ref: APP/A5720/W/20/3260908

66 Twyford Avenue, Acton W3 9QB.

- 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 Mr Yiannis Forardaris (Nextius Capital) against Council of the London Borough of Ealing.
 - The application Ref 200362FUL, is dated 25 January 2020.
 - The development proposed is the conversion of the existing property into 7 self-contained flats (4x2 bed, 2x1 bed and 1x Studio) including a basement extension with front rear and side lightwells, single storey side and rear extension and roof extension including rear dormer and roof extension over rear outrigger, 2 front rooflights, flat rooflights and associated alterations to fenestration.
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Decision

1. The appeal is dismissed and the conversion of the existing property into 7 self-contained flats (4x2 bed, 2x1 bed and 1x Studio) including a basement extension with front rear and side lightwells, single storey side and rear extension and roof extension including rear dormer and roof extension over rear outrigger, 2 front rooflights, flat rooflights and associated alterations to fenestration is refused.

Procedural Matters

2. The appeal is against the non-determination of a planning application by the Council. The Council has not submitted a Statement of Case during the appeal process and has not identified any putative grounds of refusal for the planning application had it been in a position to do so. Following a site visit inspection, the appellant was requested to respond to points raised by the Inspector which were based on his assessment of the proposal on the site and its surroundings. The agent's response has been considered here.
3. 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 the appellant's response has been considered in this decision.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or the appearance of the Creffield Conservation Area.

Reasons

Character and appearance

5. The appeal site comprises a two storey dwelling constructed of brick and slate tile. It has an attractive projecting two storey bay with gable on the frontage, exterior moulding, eaves barge boarding, fenestration and other decorative architectural features. At the time of my site visit, there were building works being undertaken but the submitted Design and Access Statement shows a previous landscaped frontage garden area. The site is within the Creffield Conservation Area.
6. The Creffield Conservation Area Character Appraisal (CCACA) 2007 identifies the area as a late nineteenth/early twentieth century residential estate of architecturally superior houses which are set around The Elms, an early 19th Century villa. It identifies a suburban character created by building lines being set substantially back from the highway, interspersed with schools, churches and sports clubs. Like the appeal property, many of the buildings are attractively designed with features reflecting their construction period.
7. The CCACA confirms that there are differences between each road in the area, with many dwellings on Twyford Avenue having loft accommodation. However, it does further indicate frontages have walls stopped with low railings and gate piers with pointed capstones and good-sized front gardens. Along Twyford Avenue, frontage boundary treatments have been removed and replaced with hard surfacing for vehicle parking. However, my inspection indicated many properties have still attractive frontages derived from landscaped boundary treatments and/or front gardens. It is all these architectural and historic qualities which are of significance and high value, and of special interest to the Conservation Area.
8. The proposal would result in seven flats. On the frontage, there would be cycle and bin storage sheds, a lightwell for a basement flat and hard surfacing. This would result in a significant loss of built development, and a cluttered and obtrusive frontage out of keeping with those which contribute to the significance of the Conservation Area.
9. To the rear, the proposed flat-roofed dormer would extend across the roof slope on the main building and a subservient projecting outrigger. It would be sited below the ridge and above the eaves of the two roofs but it would appear an uncharacteristic and alien feature by reason of its extent and shape on a historical and traditional building. The rear two storey extension, with its basement storey, would also be dominant and bulky, and its shallow roof pitch would fail to respect the steeper pitched roof of the original building. Such features would adversely affect the character and appearance of the building.
10. My attention has been drawn to similar permitted schemes at 18, 59 and 118 Twyford Avenue. The appeal proposal is based on the latter. There have also been a number of permitted converted properties on Twyford Avenue at Nos 62a, 66, 45, 81 and 115 Twyford Avenue (which included basement work), Nos 42, 59 and 91 (with retained basement), No 18 (with extended basement to support sub-division) and No. 94. Consistency is material in decision making but inevitably proposals will differ. The proposed alterations to this site would result in significant change to the nature of this property far greater than many of the schemes drawn to my attention. Some examples show large and

dominant dormers, and cluttered and obtrusive frontages but they illustrate the adverse impact that the proposal would have on the Conservation Area.

11. The CCACA identifies a number of key issues facing the Conservation Area. This includes the subdivision of houses which results in the greater loss of front gardens to parking and too much clutter around buildings; the introduction of hardstandings to provide further parking areas and the introduction of overlarge dormers often related to flat conversions, and which can completely destroy the special character of buildings. Such findings confirm my own misgivings about the design of the proposal.
12. There is an extant planning permission for conversion, alterations, and extensions of the appeal property to form 5 flats. Given the building works on the site, this would be a legitimate fallback position if the proposal was refused. Under this appeal, the rear dormer and roof design of the rear single storey extension would be similar to that permitted. However, the permitted scheme did not have an additional basement storey to the rear and whilst it has bin storage areas, the quantity requirement for them would have been less. The frontage would also have retained a greater extent of garden and was less cluttered and obtrusive with sheds and a lightwell. A planning condition on the previous planning permission required cycle storage to the rear. Therefore, although this fallback position is realistic, there are marked differences between the two schemes.
13. In accordance with the National Planning Policy Framework (the Framework), the type of harm identified with the development would be less than substantial. It is necessary that this identified harm is weighed against the public benefits of the scheme.
14. The proposal would boost housing supply in providing 7 dwellings. It would develop a small site with a range of residential units and sizes. The proposal would make the effective use of land. It would contribute to meeting Ealing's housing targets and the LP, and would comply with LP Policies GG2, GG4, H1, H2 and H10. However, the net increase would be 2 dwellings given the fallback position and this would result in negligible contribution to housing supply.
15. Any benefits have also to be weighed against the adverse impact on the significance of the Conservation Area for which considerable importance and weight is required to be attached. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this regard, the impact of the proposal would be adverse and permanent for the reasons indicated. In particular, the proposal would result in a cluttered and obtrusive frontage and a bulky and dominant design to the rear.
16. In summary, the harm to the significance of the Conservation Area would outweigh the scheme's benefits. The proposal would fail to preserve the character and appearance of the Conservation Area. Accordingly, the development conflicts with Policies 7.4, 7.6, 7B and 7C of the Ealing Development Management Development Plan Document (DPD) 2013 and Policies D3 and HC1 of the LP. The proposal would also be contrary to the guidance of the CCACA for the reasons indicated.

Other matters

17. The Council may have been looking favourably on the proposal. However, no formal decision granting planning permission was issued, and I have assessed the proposal on its particular planning merits. In the inspector's request for comments arising from his site visit, the appellant also responded with information on the provision for outdoor private outdoor space. Both basement flats would be provided with space meeting the requirements of DPD Policy 7D and LP Policy D6. The remaining five flats would be provided in a similar manner to the previous planning permission. Given this is a legitimate fallback position, no objections can be raised on the provision of private outdoor space for these flats.

Conclusion

18. The proposal would boost housing supply, create a mixed residential unit scheme and would make the best use of land in a location with good access to services and public transport. However, the net increase in dwelling units would be small given the fallback position and the proposal would fail to conserve the character and appearance of a Conservation Areas. Heritage assets are irreplaceable resources which have special architectural and historical interest.
19. For all these reasons, the proposal would not accord with the development plan. There are no material considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, the appeal is dismissed and planning permission is refused.

Jonathon Parsons

INSPECTOR