



Appeal Decision

Site visit made on 30 April 2021

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2021

Appeal Ref: APP/A5270/D/21/3268206

97 Corringway, Ealing W5 3HD

- 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 Tang against the decision of the Council of the London Borough of Ealing.
 - The application Ref 204031HH, dated 6 October 2020, was refused by notice dated 7 December 2020.
 - The development proposed is described as "retention of conservatory part built to extend existing outbuilding in rear garden".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The development has already been constructed. I have considered the appeal on the basis that planning permission is sought for the development that has already been carried out.
4. The Council's decision notice refers to Policies D1, D4 and HC1 of the Draft New London Plan. These policies have now been adopted, and the London Plan (2016) has been superseded. The proposal has been examined accordingly and parties' comments on the updated position have been considered.
5. The Council's decision notice also refers to Policy D2 of the Draft New London Plan. Policy D2 of the adopted London Plan March 2021 relates to infrastructure requirements for sustainable densities and is not of relevance to the appeal.

Main Issue

6. The main issue is whether the proposal would preserve or enhance the character or appearance of the Hanger Hill (Haymills) Conservation Area.

Reasons for the Recommendation

Character and appearance

7. The appeal site is a two storey dwelling with modest back garden in the Hanger Hill (Haymills) Conservation Area (CA). The surrounding section of the CA is residential, with properties of differing style and design which contribute to the historical importance of the locality. A timber clad building with additional glass projection spans the entire width of the site along the rear boundary with No. 11 East Close.
8. Section 5.4 of the CA Management Plan¹ states that garden buildings should be small-scale and sited discretely, comprising a single, modest-sized room. It also advises that timber is the most appropriate material to ensure that such buildings blend with the landscape. This is guidance rather than policy but remains a material consideration.
9. The outbuilding is of a lower height than the building directly behind it at No. 11 East Close and beside it at No. 99 Corringway. Nonetheless, as a result of the conservatory it is a dominant feature in the context of the modest garden. Spanning the entire width and located prominently at the rear boundary, its scale and positioning combine to create an imposing addition, irrespective of its footprint relative to the main dwelling. Although the use of recycled materials is commendable, rather than reading as an innovative or contemporary design the development is in stark contrast to the preferred timber material of the main outbuilding. It appears as an awkward addition, visually separate from the timber element, which results in an overall disjointed appearance to the outbuilding.
10. Although a conservatory has been previously present at the site, this is no longer the case and as such does not form part of the current character. In any event, the previous conservatory appears to have been discreetly positioned in the more common placement along the rear elevation of the dwelling. It would not have dominated the back garden in the same manner as the appeal scheme and would have been some distance from the timber outbuilding, reducing the visually jarring contrast between the two.
11. Accordingly, the development causes visual harm to site and, as such, neither preserves or enhances the character or appearance of the CA. The harm to the significance of the CA as a designated heritage asset would be 'less than substantial' given it would not be visible from the street. Nonetheless the National Planning Policy Framework (the Framework) makes it clear that great weight should be given to the conservation of heritage assets. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against public benefits of the proposal. The appellant has not put forward any such benefits.
12. For all of these reasons I find that the proposal would have an adverse effect upon, and would fail to preserve or enhance the character or appearance of the CA. Accordingly, it would fail to comply with Policies D1, D4 and HC1 of the London Plan March 2021, Policies 7.4, 7B and 7C of the Ealing Development Management Development Plan Document, adopted 10

¹ Hanger Hill (Haymill) Estate Conservation Area Management Plan March 2008

December 2013 and the CA Management Plan which together seek to promote good design and preserve the character and appearance of the CA. The proposal would also conflict with the statutory test relating to conservation areas.

Other Matters

13. The appellant contends that the proposal would amount to permitted development but for the fact that the property is in the CA. Regardless of whether that is the case, there is no legitimate fallback position in terms of any consent granted through The Town and Country Planning (General Permitted Development) (England) Order 2015 in this instance. In such circumstances, I must consider the planning merits of the proposal and reference to what may be erected under a hypothetical scenario has not altered my recommendation in relation to the main issue above.
14. The appellant has stated that the proposal would meet his family's needs for exercise and providing more space as required due to increased time at home in the last year. Nonetheless, this must be balanced with the adverse impacts identified. I am not persuaded that there are no alternatives to the proposal that could deliver similar benefits without conflict with the development plan.

Conclusion and Recommendation

15. Having had regard to all matters raised, I find that there are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

RC Kirby

INSPECTOR