

Appeal Decision

Site visit made on 8 June 2021 by Hannah Ellison BSc (Hons) MSc MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 July 2021

Appeal Ref: APP/A5270/W/21/3269925

Land rear of 167 Lynton Road, Acton, London W3 9HN

- 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 Sunnie Matharu against the decision of the Council of the London Borough of Ealing.
 - The application Ref 201829FUL, dated 10 May 2020, was refused by notice dated 28 August 2020.
 - The development proposed is part demolition of existing buildings and conversion to a self-contained studio flat, with associated landscaping and cycle parking.
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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.

Application for costs

3. An application for costs was made by Mr Sunnie Matharu against the Council of the London Borough of Ealing. This application is the subject of a separate decision.

Preliminary Matters

4. The Council's decision notice refers to Policies 7.4 and 7.6 of The London Plan 2016 and Policy D2 of The Draft London Plan 2019. However, the Mayor of London published The London Plan in March 2021 (the 'London Plan 2021'), which has replaced the earlier policies in the 2016 and 2019 versions. I must determine this appeal against the most up to date development plan policies.
5. Policy D2 of The Draft London Plan 2019 sought to ensure proposals deliver good design. The London Plan 2021 does not diverge significantly from the previous iteration in this regard, albeit the policy is now retitled Policy D4. As such, it has not been necessary to consult the main parties on this matter and I consider that no party has been prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issue

6. The effect of the proposed development on the character and appearance of the area.

Reasons for the Recommendation

7. The appeal site is a parcel of land located behind the boundary fence of the rear garden of 167 Lynton Road. It includes three single storey outbuildings which are in a state of disrepair. The general pattern of development in the locality consists predominantly of pairs of semi-detached properties that are positioned close to one another and have active frontages onto the highway, thus creating a uniform appearance and regular rhythm to the street scene.
8. The proposed introduction of a residential use, through the part demolition and conversion of the outbuildings, would be completely contrary to the dominant settlement pattern in the locality through the introduction of backland development. The lack of active frontage onto Lynton Road and the considerable separation between the proposal and the highway would be inconsistent with and would erode the regular pattern of development in the locality.
9. I note that the side access road currently only provides access to the appeal site and the rear garden of No 167. There were no other openings on the western side of the access at the time of my visit. The use of this road as the primary access to the proposed dwelling would appear at odds with and fail to integrate in the established pattern of development in the locality.
10. It is acknowledged that the proposal would not be prominent in the street scene, involves a reduction in the existing amount of built form to this part of the site and would tidy this area up, using an access which is considered safe. However, these matters do not outweigh the harm identified, nor mitigate the presence of the uncharacteristic residential use proposed which would be apparent from neighbouring properties, thereby reducing the quality of the environment within which nearby occupiers live.
11. The appellant suggests that there are significant extensions to properties in the immediate vicinity and I observed those which have been referenced. However, they are extensions to existing properties rather than uncharacteristic detached built form in self-contained residential use to the rear of the site. As such, they do not serve to justify this proposal.
12. Accordingly, the proposed development would have a harmful effect on the character and appearance of the wider area. It would conflict with Policy D4 of the London Plan 2021, Policy 7.4 of Ealing's Development Management Development Plan Document (December 2013) and paragraph 127 of the National Planning Policy Framework which collectively seek to ensure that developments deliver good design that is sympathetic to and complements local character. The lack of objections and the overcoming of a previous issue with lighting along the access road are neutral matters that do not alter the conclusion I have reached.

Conclusion and Recommendation

13. The Government's objective is to significantly boost the supply of housing. The proposal would provide an additional home which would bring some accompanying benefits associated with the investment and employment in the construction of the dwelling, and from the spending in the local area from future occupants. However, the nature of these social and economic benefits would be limited due to the small scale of the development.

14. Conversely, the proposal would harm the character and appearance of the area, harm which attracts significant weight and would outweigh the benefits associated with the proposed development. Therefore, for the reasons given above, this proposal conflicts with the development plan and I recommend that the appeal should be dismissed.

H Ellison

APPEAL PLANNING OFFICER

Inspector's Decision

15. 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