



Appeal Decision

Site visit made on 30 April 2021
by C Rafferty LLB (Hons), Solicitor

Decision by L McKay MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/A5270/W/21/3267286

49 – 51 Windsor Road, Ealing W5 3UP

- 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 D + A Kaimakamis against the decision of Ealing Council.
 - The application Ref 201899FUL, dated 4 May 2020, was refused by notice dated 20 August 2020.
 - The development proposed is described as 'Extension to the rear at the lower ground, upper ground and first floor levels to include doors, windows, Juliette balconies and rooflights; new window to the north elevation; reconfiguration of doors and windows to the south elevation; and improvements to some existing residential units at the lower ground, upper ground and first floor levels'.
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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 Council's decision notice refers to various policies of the London Plan 2016. These have now been superseded by publication of the London Plan 2021, which now forms part of the development plan. As appeals must be determined in accordance with the policies in force at the time the decision is made, the policies of the new London Plan have been used in this recommendation. The main parties were given the opportunity to comment on the updated position and these comments have been considered in this recommendation.
4. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the references made to the previous iteration of the Framework within the submitted evidence, the main parties have been provided with a further opportunity to make submissions in respect of the publication. The comments received have been taken into account in this recommendation.

Main Issues

5. The main issues are:

- (i) the effect of the development on the character and appearance of the host properties and the Ealing Town Centre Conservation Area; and
- (ii) whether the proposed development would make suitable provision for cycle storage facilities

Reasons for the Recommendation

Character and appearance

- 6. The site comprises two semi-detached four storey properties in the Ealing Town Centre Conservation Area (CA), each split into flats. The immediate surrounding part of the CA is residential. The significance of the CA is derived from the historic buildings in the area, which is reflected in the traditional styled dwellings on Windsor Road.
- 7. Each appeal property has a three storey, half width rear outrigger which, while of different scales, lend an element of balance to the pair of properties due to their positioning at either side of the rear elevation. Other rear outriggers in the area vary in appearance, but nonetheless have a degree of commonality in scale, style and form which respects the traditional style and proportions of the existing buildings, and are subservient in scale to the host properties. As such, while the front elevations provide the primary positive contribution, the rear elevations also contribute to the significance of the CA.
- 8. A three-storey rear extension is proposed across the properties, retaining the outrigger at No 49. By filling in the gap between the existing rear projections, it would introduce significant additional built form, creating a bulky and dominant feature when viewed from the rear of the appeal site and neighbouring plots. Infilling this space would significantly alter the appearance of the rear of the properties and obscure much of the remaining traditional elements of the rear elevations. In addition, by extending beyond the retained outrigger at No 49, the resulting rear elevation would appear awkward and contrived, failing to respect the simple shape and proportions of the buildings and removing the element of balance that currently exists across the pair.
- 9. Although the proposal would not be visible from Windsor Road, it would be seen from neighbouring properties within the CA. The increased bulk, three-storey infill element and varying depths resulting from the proposed extension would appear overscaled and incongruous in the immediate context, and it would extend further than other outriggers in the area. As such, the proposed extension would diminish the contribution of the rear elevations of these properties to the appearance of the CA.
- 10. While a full width four storey extension is visible at Nos 57 – 59, this has a simple form and does not project to the same extent as the appeal proposal. As such, it is more sympathetic to its host property and immediate surrounds, and therefore does not have the same impact on the host property or the CA as the scheme before me. Consequently, it does not provide justification for the proposal.

11. The proposal also includes minor changes to other openings on the building. These would have very minor impacts and as such would preserve the character and appearance of the host buildings and the CA. However, the lack of harm in this respect does not justify the harm resulting from the proposed extension.
12. Consequently, while the proposal would be built from matching materials, due to its bulk and shape, the proposed extension would appear out of place in the immediate context of the site and would cause visual harm to features which contribute to the significance of the CA as a designated heritage asset. Accordingly, it would neither preserve nor enhance the appearance of this part of the CA. However, the proposed extension would only be visible from a limited section of the CA and as such, this would equate to 'less than substantial' harm to the CA as a whole, having regard to the Framework. Nonetheless the Framework makes it clear that great weight should be given to the conservation of heritage assets irrespective of the degree of harm.
13. Framework paragraph 202 specifies that less than substantial harm should be weighed against the public benefits of the proposal. The proposal would increase the size of several flats, improving the internal accommodation. Six flats would then meet the minimum floorspace standards in the London Plan, where they currently do not. One other would be enlarged and the internal layout improved, although it would still be below the minimum standards. Given the thrust of the London Plan towards improving housing quality, these improvements would be a public benefit. However, some of these benefits could be realised by the existing permission for single storey extensions, which the appellant advises has been implemented. As such, the improvements to the accommodation carry moderate weight.
14. The proposal would also provide cycle parking for the existing 12 flats, which currently have none. As such it would encourage sustainable transport use, which is also a public benefit of moderate weight. The proposal would also increase the number of 2-bedroom flats, which would contribute to the local housing mix and make more efficient use of this already developed site. However, I have no substantive evidence of the need for this size of dwelling and as such this carries only modest weight.
15. The overall harm to the CA would be relatively modest, given the limited area from which the proposed extension to be seen. However, having regard to the Framework the desirability of preserving the significance of this heritage asset is a matter of considerable weight and importance. Furthermore, the proposal would be the type of unsightly and over-scaled rear extension which the Ealing Town Centre Conservation Area Management Plan (2007) seeks to resist. As such, I afford significant weight to the harm to the CA, and this would not be outweighed by the public benefits of the proposal.
16. For all of these reasons I find that the proposed extension would have a significant adverse impact on the character and appearance of the host properties and would harm the appearance of the CA. Accordingly, it would fail to comply with Policies D3, D4 and HC1 of the London Plan 2021, Policy 7B of the Ealing Development Management Development Plan Document (2013) (DPD), and the CA Management Plan, which together seek to promote good design and preserve the character and appearance of the CA. It would also conflict with Framework policies in relation to heritage assets.

Cycle Storage

17. The proposal includes 20 cycle parking spaces in the existing car park. The appellant has provided plans at appeal stage showing other options for the location of the cycle parking which they suggest could be secured by planning condition. However, I must assess the appeal on the plans before the Council at the time of its decision. Furthermore, the options proposed both appear to reduce outside space for the flats and as such the Council and interested parties would need to be offered an opportunity to comment on this material change. I have therefore considered the cycle parking provision as proposed on the site plan submitted with the application.
18. The cycle store would be to the rear of No. 51. In terms of convenience this would be easily accessible by all residents. The rear space of the properties is divided by a solid fence and the occupiers of No. 49 would have to walk further to access the store, going around No. 51. Nonetheless, this is not such a distance that it would be deemed overly inconvenient or off-putting and can still be described as well-located.
19. With regards to safety, the access to the side of No. 51 also serves the car parking spaces to the rear. It is already used by pedestrians and vehicles, and as proposed would also be used by cyclists. However, it is of sufficient width with adequate visibility to ensure the safety of all users. In addition, its use by vehicles is limited by the small number of parking spaces at the rear of No. 51 and there is ample space and visibility within the back yard itself to allow for the turning of vehicles without compromising the safety of other users.
20. The installation of the cycle storage would result in the loss of an off-road car parking space, which the appellant has confirmed is allocated to No. 51. However, on the evidence before me there are no minimum requirements for the number of car spaces to be provided. Furthermore, it would be replaced by cycle storage which would promote an active and sustainable form of transport, a clear thrust of the London Plan 2021. This would offset any impacts of a reduction in car parking.
21. For all these reasons I find that the proposal would make suitable provision for cycle storage facilities. Accordingly, it would comply with Policy T5 of the London Plan 2021 which seeks to remove barriers to cycling.

Other Matters

22. Reference has been made to a previous planning permission at the site for a full width infill extension. However, this differs from the appeal proposal in that it is single storey in nature and would therefore be of significantly smaller scale. It would also retain the gap between the outriggers above ground level. Therefore, it would not have the same impact on the character and appearance of the host properties or CA as the proposal before me, and therefore carries little weight.
23. The Council's reason for refusal cites Policies 7A and 7D of the DPD, which relate to amenity and open space. Neither is a matter in dispute between the main parties and this therefore appears to be an error. Nevertheless, they are issues raised by interested parties. Although larger than the existing building, due to the separation distance between the proposed extension and neighbouring properties, and existing additions to the rear of those properties,

the proposal would not significantly adversely affect the living conditions of neighbours in terms of light and privacy. As such, I find no conflict with Policy 7A. I have limited information on the amount of open space available on site and whether it would meet the DPD standards and Policy 7D, given the increase in bedrooms proposed. However, as I am dismissing the appeal on other grounds, there is no need for me to consider this further.

Conclusion and Recommendation

24. 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

25. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree with the recommendation and shall dismiss the appeal.

L McKay

INSPECTOR