
Appeal Decision

Site Visit made on 20 July 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/A5270/W/21/3267777

29 Dryden Avenue, Hanwell W7 1ES

- 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 Nidal Al Juzi against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203423FUL, dated 27 August 2020, was refused by notice dated 30 October 2020.
 - The development proposed is construction of a two storey one-bedroom end of terrace dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the decision notice, as this more accurately reflects the proposed development than the description on the planning application form. This also matches the description used by the appellant on the appeal form. The appellant has confirmed his agreement to this description.
3. The appellant has outlined that the original plans submitted to the Council showing the 'existing' elevations and floor plans, include the development previously approved by the Council under planning application reference 201687FUL. This previous permission was for conversion of the existing dwelling into two self-contained flats and associated development, including conversion of the roof from a hipped roof to a gable end. The appellant has confirmed that the development has not yet commenced. However, given that this existing consent remains extant, I consider that there is a realistic prospect of the development being carried out. As such, this decision is material to this current appeal and can be attributed substantial weight as a consideration. This permission is hereafter referred to as 'Fallback Position A'.
4. The appellant has also provided a copy of a lawful development certificate, granted by the Council under reference 20554CPL, for '*alteration of roof from hip to gable end; rear roof extension; installation of two roof lights to side roof slopes; and front porch extension*'. This is hereafter referred to as 'Fallback Position B'. Again, I give this substantial weight as a consideration as there is a realistic prospect of the development being implemented.
5. The design of the fallback schemes is very similar. However, the scheme approved under Fallback Position A involves additional development, including a rear extension and front cycle storage area.

6. Reference is made in the Council's reasons for refusal to the policies in the London Plan (March 2016). Since the appeal application was decided, the latest version of the London Plan (2021) has been published and is now part of the development plan for London. Both parties were asked to provide any additional representations in relation to the new London Plan policies. I have taken these representations into account. This appeal is therefore determined having regard to the most recently adopted London Plan policies.
7. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Accordingly, both parties were invited to provide representations in relation to the revised Framework, although no responses were received. Given that both parties have been given the opportunity to make representations, I have had regard to the revised Framework in considering this appeal. I do not consider that either party would be prejudiced by this approach.

Main Issue

8. The main issue is the effect of the proposed development upon the character and appearance of the appeal site and surrounding area.

Reasons

9. The proposed development is for a two-storey dwelling which would extend an existing row of terraced properties at the end of Dryden Avenue, adjacent to Framfield Road. The existing terrace has a distinctive appearance with two prominent front facing gables. This appearance is replicated by the terraced dwellings on the opposite side of Dryden Avenue. There are also similar terraced dwellings at the opposite end of Dryden Avenue, adjacent to Drayton Bridge Road.
10. Properties between the terraced dwellings at each end of Dryden Avenue have a different character. They predominantly comprise flats within two storey buildings, which have a semi-detached appearance, with access available to first floor level via external staircases. In this regard the terraced dwellings, including the host property, form distinctive 'book-ends' at each end of Dryden Avenue. Properties on Dryden Avenue are typically spaced evenly with relatively even gaps provided between them. The appearance, layout, scale and orientation of existing development on Dryden Avenue is therefore relatively uniform.
11. The proposed dwelling would disrupt the symmetry of the existing terrace and would therefore jar with the appearance of the terraced properties on the opposite side of Dryden Avenue. I accept that the development possible under Fallback Positions A and B would result in some disruption of symmetry, in particular as a result of changes to the roof form. However, the proposed development would be materially more harmful than both of the fallback schemes in this regard, as it would extend the width of the terrace at two storey level. This would also harm the prevailing layout of development on Dryden Avenue, reducing the gap between the terrace and the adjacent flats.
12. There are properties, albeit very few, on Dryden Avenue that have been extended to the side. However, all of the examples that I viewed during my site visit comprised of single storey extensions. In contrast, the proposed development proposes a two-storey development, which would be far more

prominent. I do not accept the appellant's assertion that the development would present as a subordinate extension. The development would clearly have the appearance of a dwelling. As a result of the proposed narrow frontage, the dwelling would stand out as an incongruent feature in the street scene and would present as a cramped form of development which is not reflected elsewhere on Dryden Avenue.

13. The appellant has also asserted that a single storey side extension could be erected under permitted development rights. However, if the property is converted into two separate units under either of the fallback positions, then permitted development rights would not allow for a single storey side extension, as acknowledged by the appellant within their representations. For this reason, I do not consider that the appellant has demonstrated that there is a realistic prospect of this development being implemented. I therefore afford it little weight as a consideration. Even if I were to afford it greater weight, the appeal development is for a two-storey dwelling, which would be materially more harmful than a single storey side extension. As such this consideration does not outweigh the harm that the development would cause to the character and appearance of the surrounding area.
14. The appellant has provided numerous examples of two-storey development within the surrounding area, in particular on Browning Avenue, which is a parallel street with a similar character to Dryden Avenue. However, the precise circumstances in which these developments were granted planning permission are not before me. In any case, I have established that the character on Dryden Avenue is particularly uniform, with no examples of two-storey extensions of a similar type and scale to that currently proposed. The predominantly unaltered appearance of development on Dryden Avenue, when perceived from the street scene, is relatively unique. As such, none of the examples provided by the appellant would justify the harm which the proposed development would cause.
15. The development would therefore significantly harm the character and appearance of the appeal site and surrounding area. As such, it would conflict with Development Management Development Plan Document (2013) Policies 7.4 and 7B, which require in part that new development is in keeping with local character and has a positive visual impact, respectively.
16. The appellant has referred to London Plan (2021) Policy D3. The development would also conflict with this policy, which requires in part that development responds to existing character and enhances local context.
17. The development would also conflict with Framework Paragraph 130, which requires in part that new development adds to the overall quality of the area and is sympathetic to local character. Paragraph 130 also states that appropriate innovation and change should not be discouraged. The proposed development does not represent appropriate innovation and change for the reasons outlined above.
18. The appellant refers to 'Ealing's SPD4 on Residential Extensions (Adopted 2006)'. However, a copy of this document has not been provided. Notwithstanding this, the proposed development is for a new dwelling as opposed to an extension. The paragraphs referred to by the appellant relate to 'extensions'. For these reasons I do not consider that this consideration

outweighs the harm that the development would cause to the character and appearance of the surrounding area.

Other Matters

19. The appellant has asserted that the development complies with development plan policies with regard to transport and highways effects, standard of accommodation and the effect upon the living conditions of neighbouring occupiers. However, compliance with development plan policies in this regard would not outweigh the harm that the development would cause to the character and appearance of the surrounding area.
20. London Plan Policies H1 and H2 seek in part to increase the supply of housing and promote housing delivery on small sites, respectively. The proposed development would contribute to an increase in housing supply and there would be social and economic benefits associated with this. However, these benefits would be limited given the small scale of the proposed development. These benefits and the support derived from London Plan Policies H1 and H2 are not sufficient to outweigh the harm that the development would cause to the character of the surrounding area.
21. The appellant has highlighted that the proposed development is located within a sustainable location, with good access to services and facilities. However, this is not a benefit of the development, it has a neutral effect.
22. The appellant asserts that the site is not within a conservation area and does not comprise a listed building. However, this does not detract from the importance of respecting the prevailing character of the surrounding area, which I have found to be particularly uniform and unique.

Conclusion

23. The proposed development would be harmful to the character and appearance of the appeal site and surrounding area. It would therefore conflict with the development plan, taken as a whole. There are no other considerations which indicate that a decision should be made other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

Luke Simpson

INSPECTOR