
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: 26 August 2021

Appeal Ref: APP/A5270/W/21/3267792

269 Brunswick Road, Ealing W5 1AJ

- 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 Dr N Yousefi against the decision of the Council of the London Borough of Ealing.
 - The application Ref 204135FUL, dated 13 October 2020, was refused by notice dated 21 December 2020.
 - The development proposed is described as 'change of front door to property, change of front garden to allow car parking and part removal of side wall to allow access to shared driveway'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Appellant has highlighted that the 'proposed garden plan' reference 986-A1-PO5, as detailed on the decision notice, was amended (986-A1-PO5 Revision A) during the Council's consideration of the application. Confirmation was requested from the Council as to whether this was one of the plans upon which their decision was based. No response has been received. The appellant has provided a copy of the original plan and the only difference relates to an annotation regarding proposed planting.
3. In any case, the appellant has submitted amended and additional plans¹ with this appeal. An amended plan shows a slight reduction in brick paving, with a small area of the existing front garden retained. A planting plan has also been submitted, which shows planting proposals in the retained garden area.
4. In considering the acceptability of these amendments, I have had regard to the Wheatcroft² principles. The amended plan and planting plan do not fundamentally alter the proposed development from that which was originally consulted on by the Council (on the basis of either the original garden plan or the revised version referred to in paragraph 2 of this decision). I acknowledge that one of the Council's reasons for refusal relates in part to the lack of soft landscaping. However, the matter of hard and soft landscaping could have been addressed through an appropriately worded planning condition had the Council not refused the application for other reasons. Therefore, I have considered this appeal on the basis of the amended and additional plans and no party is prejudiced by this approach.

¹ Plan references: 986-A1-PO5 Revision A and PO6A

² Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

5. As required by Regulation 5A of the Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended), given that the site is located within a conservation area, the planning application should have been advertised by the Council. Despite several requests for a copy of the advertisement from the Council, no response was forthcoming. Nonetheless, this is a procedural matter concerning the validity of the planning application. I therefore proceed on the basis of the appeal before me and in doing so, I do not consider that any parties will be prejudiced.
6. Since the appeal application was decided, the London Plan (2021) has been published and is now part of the development plan. The previous policies have therefore been replaced. In relation to this matter, I have sought further representations from the Council and the appellant and I have taken these into account.
7. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). Both parties were invited to provide representations in relation to the revised Framework. I have taken these representations into account and I have had regard to the revised Framework.

Main Issue

8. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Brunswick Conservation Area.

Reasons

9. The host property comprises a two-storey building, which comprises a ground floor flat and first floor flat. The building comprising the flats is semi-detached and there is currently a strong degree of symmetry with the attached neighbouring dwelling at 271 Brunswick Road (No 271). The host property comprises an existing gabled porch. The front door is currently recessed with two timber pillars either side. The panelled front door is a prominent feature, incorporating a circular window and surrounded by distinctive glazing. The front garden is bound by a small brick wall to the front and sides.
10. The host property is located within the Brunswick Conservation Area. Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.
11. The conservation area primarily derives its significance from its relatively consistent historic architectural forms. Residential properties within the conservation area are predominantly two-storey and semi-detached, with consistent features including front facing gable roof forms and bay windows. Front porches are a distinguishing feature of many properties, with two predominant designs, brick arches and gable porches. Both of these designs typically conceal recessed front doors. Within the vicinity of the host property, the design of front porches alternates between brick archways and gabled porches. Whilst many of the front porches have been altered, there remains a degree of symmetry between pairs of semi-detached dwellings, with alterations typically sympathetic to existing character.

12. The proposed development would alter the front elevation at ground floor level, such that the glazing above the door would be replaced with brickwork. The front door would also be replaced with a more modern door with a single strip of glazing to one side. The loss of the existing, distinctive appearance of the front door and glazing would be harmful to the character of the host property. The more contemporary appearance, incorporating additional brickwork, would jar with the predominant character of the conservation area. The fact that the door would remain recessed and beneath the existing porch would not mitigate the visual harm that the development would cause.
13. The Appellant is critical of what he describes as the existing 'Tudorbethan' style. However, the design of the existing door, glazing and porch are all features which are replicated elsewhere in the conservation area and they therefore contribute to the prevailing character.
14. The introduction of additional brickwork above the door would be particularly harmful, given that glazing surrounding front doors is a distinctive feature of properties in the surrounding area, even where doors have been replaced or altered. Indeed, the Brunswick Conservation Area Management Plan 2007 (CAMP) specifically highlights the '*loss of traditional fenestration patterns together with later doorways that offer material, design and decoration patterns which are not in keeping with the character of the CA*' as a key threat to the special character of the conservation area.
15. There are numerous examples of alterations to front doors and porches in the surrounding area. However, these are typically more sympathetic than the current proposal. In any case, the fact that other properties have been altered in a similar fashion to the proposed development does not detract from the harm which would be caused to the character and appearance of the conservation area.
16. The proposed development also includes the conversion of the front garden to form a parking space, with access off a shared drive to the side of the property. The proposed plan, as amended, indicates that the majority of the garden would be block paved. Planting is proposed within part of the retained front garden, to one side of the property.
17. The character of the surrounding area is fairly verdant with many front gardens incorporating planting. Indeed, the CAMP outlines that the loss of front garden trees together with the loss of boundary walls to create parking is a key threat to the character of the conservation area.
18. There are numerous examples in the surrounding area where front gardens have been converted to form parking spaces. However, in the case of the appeal development, the access would be taken from the existing shared driveway. This would create an extended area of hard surfacing when combined with the proposed parking space, which would jar with the prevailing verdant character of the surrounding area. The proposed planting arrangement would not sufficiently mitigate the impact of this combined area of hard-surfacing.
19. The proposed development would therefore be visually harmful and would fail to preserve or enhance the setting of the Brunswick Conservation Area.

It would therefore conflict with Policies 1.1, 1.2, 2.1 and 2.10 of the DSDPD³, Policies 7.4 and 7C of the DMDPD⁴ and London Plan Policies D3 and HC1, which together require in part that new development conserves the historic character of the surrounding area and respects the existing character of the area. The development would also conflict with the guidance contained within the CAMP for the reasons already outlined.

20. London Plan Policy D1, a copy of which was provided by the Council, is not relevant to this main issue as it relates to plan-making.
21. I do not accept the appellant's assertion that London Plan Policy D3 only relates to plan-making, as it sets out specific requirements for 'development proposals'. In addition, the Appellant has asserted that London Plan Policy HC1 is ineffective as a result of the permitted development rights of surrounding properties, in relation to driveways. However, no details of specific permitted development rights have been advanced. Therefore, this consideration has no bearing on my conclusions in relation to this policy.
22. The harm which the development would cause to the Conservation Area would be 'less than substantial harm' within the context of Framework Paragraph 202. This paragraph requires that this harm should be weighed against the public benefits of the proposal and where appropriate, securing its optimum viable use.
23. The appellant has referred to the on-street parking restrictions in the surrounding area and has stated that Brunswick Road is a bus route and often busy with traffic. The appellant has also referred to the parking standards set out under London Plan Policy T6.1 and has suggested that a maximum of 1.5 spaces would be required for the two flats. However, this policy relates to new residential development and is therefore not applicable to the proposed development. Nonetheless, there would be a benefit to the occupiers of the flats as a result of the provision of an additional parking space, primarily through increased convenience. This benefit can be afforded moderate weight. However, contrary to the appellant's assertion, the additional parking space would not involve an optimum viable use of a heritage asset within the terms of Framework Paragraph 202.
24. The appellant also suggests that there would be benefits associated with heat retention to the ground floor flat. Whilst I acknowledge that there would be a benefit in this regard, it would be limited given that it only relates to increased insulation of a single door. I therefore give this minimal weight.
25. The proposed development would not involve an optimum viable use of a heritage asset within the terms of Framework Paragraph 202.
26. Overall, I conclude that the benefits of the proposed development do not amount to public benefits sufficient to outweigh the less than substantial harm to the conservation area.

³ Development Strategy 2026 Development Plan Document (2012)

⁴ Development Management Development Plan Document (2013)

Other Matters

27. The Council has also referred to an existing enforcement case⁵ relating to the 'loss of a protected tree'. However, the details of this case are not before me and the Council has not referred to this within their reasons for refusal. As such, this has not formed part of my consideration in relation to this appeal.

Conclusion

28. The proposed development would fail to preserve or enhance the character and appearance of the Brunswick Conservation Area. As such, it would conflict with the development plan taken as a whole. There are no material considerations raised which would outweigh this conflict. I therefore consider that the appeal should be dismissed.

Luke Simpson

INSPECTOR

⁵ Council Reference: 20EN0728