



Appeal Decision

Site visit made on 28 September 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 26th October 2021

Appeal Ref: APP/A5270/W/21/3275728 2B, 2C, 2D and 2E Shaa Road, Acton W3 7LN

- 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 Islam Nagueieb against the decision of Ealing Council.
 - The application Ref 204406FUL, dated 28 October 2020, was refused by notice dated 4 January 2021.
 - The development proposed is single storey conservatory style wintergarden extensions to 2B, 2C, 2D and 2E
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.
3. The Council's decision notice refers to Policies the London Plan (2016). These policies have now been superseded. Appeals must be determined in accordance with the policies in force at the time the decision is made. The policies of the London Plan (2021) have therefore been used in this recommendation. Parties were given the opportunity to comment on the updated position and these comments have been considered. While the Council has made reference to Policies D6 and G4 of the London Plan 2021, these relate primarily to housing standards and open space, and are not relevant in the context of this appeal.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Acton Park Conservation Area.

Reasons

5. The appeal site comprises four three-storey terraced dwellings located within the Acton Park Conservation Area (the CA). The special interest of the CA

derives from the historic fabric present and the generous plots within which the houses are sited. However, the appeal properties are of a modern design, located in modest plots with particularly limited back garden space. As such, the appeal site makes a limited contribution to the character and appearance of the CA in this regard.

6. The proposal would involve the erection of a ground floor conservatory style rear extension at each of the properties. While single storey, they would span the entire width of the dwellings, contrary to the Acton Park Conservation Area Management Plan (the Management Plan). They would project into the rear amenity spaces, covering a sizeable amount of the already modest gardens.
7. As such, they would appear as dominant additions in context, eroding the already limited openness to the rear to create notably cramped back gardens. This would serve to further distinguish the appeal site from the prevailing pattern of spacious plots and generous gardens throughout the CA. While the appellant states that the development is reversible long term, I have little evidence before me to suggest that this is the case.
8. Overall, the proposal would be visually intrusive in the context of the appeal site. It would cause visual harm to the site itself and the contribution it makes to the surrounding character and appearance. As such, it would neither preserve or enhance the character or appearance of the CA. However, the site currently makes a limited contribution in this regard, and the effect of the proposal would be localised and not visible from the front elevation. As such, it would equate to 'less than substantial' harm.
9. Nonetheless the Framework makes it clear that great weight should be given to the conservation of heritage assets. Paragraph 202 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.
10. The appellant has put forward suggested benefits. I do not share the opinion that the lightweight and glazed nature of the proposal would protect the site's openness. Its footprint alone would further enclose the space, reducing the already limited rear gardens in a manner uncharacteristic to the CA. While the properties are in the ownership of one family, there is no guarantee this will remain the case. Any purported benefit of the proposal attributed to this would be personal rather than public, such that it carries no weight. Accordingly, no public benefits of the proposal have been put forward which would outweigh the harm caused to the significance of the CA.
11. For the reasons given above I find that the development would fail to preserve or enhance the character or appearance of the CA. As such, it would fail to accord with Policies D3, D4 and HC1 of the London Plan 2021; Policies 7.4, 7B, 7C and 7D of the Ealing Development Management Development Plan Document, December 2013; and the Management Plan, which together seek to promote good design in the CA.

Other Matters

12. The appellant has referred to an example of similar development permitted at 16 Perryn Road, adjacent to the appeal site. However, from the information provided 16 Perryn Road benefits from a substantially larger rear garden, such that the

addition of a similar structure would not unduly reduce the generous and spacious nature of the plot. Each proposal should be assessed on its own site specific circumstances and reference to this development therefore carries limited weight that does not outweigh the harm identified above.

Conclusion

13. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR