



Appeal Decision

Site Visit made on 27 September 2021

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2021

Appeal Ref: APP/A5270/W/21/3274733

45-47 Bridge Avenue, Hanwell, Ealing, W7 3DJ

- 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 and Mrs H and T Tennent against the decision of London Borough of Ealing.
 - The application Ref 211838FUL, dated 6 February 2021, was refused by notice dated 7 April 2021.
 - The development proposed is change of use from builders yard (B8) and construction of a two storey detached dwellinghouse; (following demolition of portacabin office/storage); and provision of associated amenity space, and car parking.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a builders yard (B8) and construction of a two storey detached dwellinghouse (following demolition of portacabin office/storage), and provision of associated amenity space and car parking at 45-47 Bridge Avenue, Hanwell, Ealing, W7 3DJ in accordance with the terms of the application, Ref 211838FUL, dated 6 February 2021, subject to the conditions set out in the attached schedule.

Procedural Matter

2. I have taken account of the comments received by the main parties in relation to the adoption of the *National Planning Policy Framework* (2021), which replaces the previous version.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located on the end of a block also bound by Elmbank Way and Cuckoo Dene, with a strong perimeter form of layout in this predominantly residential area. Bridge Avenue is lined by homes along its western side, but there are very few opening onto its eastern side, with the majority of homes arranged along intersecting streets.
5. The proposed house would be on a small site in comparison with most others in the area. It would be angled to the road, with amenity space to the side and limited clearance to the rear and other side boundaries. Viewed solely in this limited context, it would be out of character with other development in the area.

6. Nonetheless, there is previous development of a similar nature along Bridge Avenue; namely, the home at 1 Bridge Avenue which is similar to the appeal proposal in terms of site size, and orientation, appearance and layout of the building. The appellant has advised that permission also exists for further development to take place, again with similar characteristics to these two examples, on the block between Cuckoo Dene and Gifford Gardens at the rear of 99 Cuckoo Dene. Accordingly, the closest blocks to the north and south of the appeal site would have similar forms of development to that proposed in this appeal.
7. Moreover, this form of development would occur in three locations along Bridge Avenue, on three successive blocks, and accordingly I could not consider the appeal scheme to be either out of character with surrounding development in its wider context, or incongruous within the street scene. The existing example at 1 Bridge Avenue is not overly obtrusive, and given the similar design and characteristics of the appeal scheme, indicates that such development could occur on this site without significant detriment to the street scene or wider area.
8. I therefore conclude that the proposed development would not harm the character and appearance of the area. There would be no conflict with the Council's adopted *Development Management Development Plan Document* (2013) Policies 7.4 and 7B, and Policies D3 and D4 of The London Plan (2021). Together, these require development to complement existing development, amongst other considerations.

Other Matters

9. I have taken account of the concerns put to me by local residents. Although new overlooking may occur to properties on the other side of Bridge Avenue, the separation distance would be similar to other properties in the area on opposing sides of the street and would not result in direct overlooking of a scale that would result in a significant loss of privacy. To the rear, properties rear gardens are already overlooked, although the appeal plans indicate that all upper windows would be obscure glazed with limited opening. As such, there would be no harm to living conditions through new overlooking.

Conditions

10. No conditions were provided to me by the Council, although conditions have suggested by various parties within the evidence. Having consulted the main parties and the relevant tests set out in the Planning Practice Guidance (PPG)¹, I have included them in the permission. Condition 2 is included to provide certainty, and given the site's previous use, condition 3 is needed to ensure that any (potential) contamination is mitigated and remediated. Conditions 4 and 8 are required to protect the living conditions of surrounding occupiers, condition 5 to preserve the character and appearance of the area, condition 6 to promote sustainable travel choices, and condition 7 to ensure that the property will be appropriately served in terms of waste management.

¹ PPG reference ID: 21a-003-20190723; revision date: 23 07 2019.

Conclusion

11. For the reasons given I conclude that the appeal should succeed.

G Rollings

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: TDS 464 / BA 1001; TDS 464 / BA 1002; TDS 464 / BA 1003.
- 3) Prior to the commencement of any works on site (except demolition and site clearance) the following shall be submitted to and subject to the approval in writing of the Local Planning Authority:
 - An intrusive contaminated land investigation and risk assessment of the site shall be carried out in accordance with BS1075:2011+A1:2013 and LCRM (formerly CLR11) guidance to assess the nature and extent of any contamination on the site. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site.
 - If required as a result of the assessment, a contamination remediation scheme to bring the site to a condition suitable for the intended end use. It shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
- 4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 5) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The dwelling hereby approved shall not be occupied until space has been laid out within the site for a minimum of two bicycles to be parked and that space shall thereafter be kept available for the parking of bicycles.
- 7) The dwelling hereby approved shall not be occupied until space has been laid out within the site for refuse and recycling storage facilities and that space shall thereafter be kept available for this purpose.
- 8) The development hereby permitted shall not be occupied until the windows in the proposed rear elevation that are shown as with obscure glass and restricted opening shall have been constructed in accordance with details shown on submitted plan no. TDS 464 / BA 1003, and thereafter be kept in perpetuity.