



Appeal Decision

Site visit made on 31 August 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 10th November 2021

Appeal Ref: APP/A5270/W/21/3272414

41 High Street, Acton W3 6ND

- 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 Mrs M Ali against the decision of Ealing Council.
 - The application Ref 204052FUL, dated 27 July 2020, was refused by notice dated 25 January 2021.
 - The development proposed is a 2 storey extension to accommodate additional flat
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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. Where received, these comments have been taken into consideration in this decision.
3. The Council's decision notice refers to the London Plan 2016. These policies have now been superseded by publication of the 2021 London Plan. Appeals must be determined in accordance with the policies in force at the time the decision is made. The main parties were given the opportunity to comment on the change in policy. Where received, these comments have been taken into consideration in this decision.

Main Issue

4. The main issues are whether the proposal would preserve or enhance the character or appearance of the Acton Town Centre Conservation Area; and make suitable provision for refuse and cycle storage facilities.

Reasons

Conservation Area

5. The appeal site comprises a mid-terrace property in a row of buildings with largely uniform frontages and consistent window placement in rows running along the street. While the terrace is bookended by three storey buildings the appeal property sits among, and visually relates to, a group of two storey buildings of similar scale and form.

6. It is located in the Acton Town Centre Conservation Area (CA), which derives significance from the Edwardian and Victorian architecture and the pattern of development, which on this side of High Street comprises tightly knit, modest terraced properties. In respecting the consistent sequence of development, the appeal property contributes positively to the immediate area.
7. The proposal is the addition of second and third floor levels to the existing two storey host building to provide two dwellings, totalling three studio flats at the site, with rear balconies at first, second and third floor level. It would tower above the adjoining two storey buildings, eroding the visual uniformity.
8. Although also situated alongside taller properties its setback at top level and overall height would also fail to assimilate with these. As such, it would read as an out of place addition which, due to its scale and disruption to the building pattern, would visually compete with surrounding development. In addition, the windows of the proposal would fail to align with others in the terrace, upsetting the rhythm and continuity present. This would serve to further distinguish the property from its neighbours, failing to sympathetically reflect the surrounding character.
9. For these reasons, the proposal would be a visually intrusive feature. It would cause visual harm to the site 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. Its effect would be localised and would equate to 'less than substantial' harm. Nonetheless the Framework makes it clear that great weight should be given to the conservation of heritage assets.
10. 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. No such benefits have been put forward by the appellant.
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 7B, LV7.4 and 7C of the Ealing Development Management Development Plan Document, December 2013; Policy HC1 of the London Plan 2021; and the Acton Town Centre Conservation Area Management Plan, April 2009; which together seek to ensure good design and preserve the character and appearance of the CA.

Refuse and cycle storage

12. Under the Ealing Council Waste Management Guidelines for Architects and Developers (the WMG) storage for refuse and recycling should be provided. The submitted plans do not provide any detail on internal or external storage areas for this purpose. The appellant has indicated the system would be the same as much of the street, which has no such storage. However, no further information on this has been provided.
13. It is therefore not possible to assess if the process for storage of refuse and recycling at other properties is sufficient to make reasonable provision for the waste to be generated by the proposal. In addition, due to the modest size of the dwellings proposed, it is not clear on the evidence whether such storage could be comfortably provided within the flats. On that basis I am unable to conclude that the proposal would make suitable provision for refuse storage

facilities, or that this could have been appropriately secured by condition, were planning permission to be granted.

14. In accordance with Policy T5 of the London Plan (2021), the proposal would also be required to provide 3 cycle parking spaces. However, no such spaces are detailed on the submitted plans. Given the size of the apartments and associated terraces, along with the fact that one would be at third floor level, it is unlikely that such storage could be comfortably and conveniently accommodated in either the flats or balconies.
15. While public cycle parking is available on the highway outside the appeal property, this has not been provided by the proposal. In any event, there is no evidence this could adequately meet the additional demand generated by the proposal or, given its location in the public realm, that it would be sufficiently secure as required by Policy T5.
16. For the reasons given above I find that the development would not make suitable provision for cycle and refuse facilities. As such, it would fail to accord with Policy T5 of the London Plan 2021 and the WMG, which seek to ensure sufficient storage provision in these regards.

Other Matters

17. The appellant has referred to a nearby property with permission for a third storey extension. However, this does not share the same immediate context as the appeal property and, unlike the proposal, has retained consistency in the rooflines of the group of buildings to which it primarily relates. The proposal must be assessed on its own site specific circumstances and reference to development nearby therefore carries little weight, which does not outweigh the harm identified above.
18. The Council has also raised concerns regarding the addition of rear balconies and the impact of the proposal on the rear butterfly roof profile. However, at the time of my site visit I was unable to adequately view the rear elevation to assess these impacts. In any event, as may be seen from what is set out above, I consider the proposal would be harmful to the character and appearance of the host dwelling and surrounding area, and to the living conditions of future residents.

Conclusion

19. 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