



Appeal Decision

Site visit made on 21 September 2021

by Richard S Jones BA (Hons), BTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/A5270/C/21/3272541

130 Corringway, Ealing, London, W5 3HA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Suadad Sumaidaie against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice, numbered EN170309ODOB(1), was issued on 18 February 2021.
 - The breach of planning control as alleged in the notice is, without planning permission, the erection of a rear outbuilding.
 - The requirements of the notice are:
 1. Demolish the rear outbuilding in its entirety and;
 2. Remove from the land any materials resulting from compliance with requirement 1.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the alleged development on the character and appearance of the area and the Hanger Hill (Haymill) Estate Conservation Area (the Conservation Area), in which the appeal site is located.

Reasons

3. The hilly aspect, crescent shaped roads and leafy suburban setting of the planned inter-war residential estate of Hanger Hill create a townscape of significant visual interest. The Character Appraisal¹ highlights that the estate is notable for its mix of architectural styles, each of which has a number of variants, contributing to the overall character of the area.
4. The appeal site dwelling falls within the Moderne style, the front elevation of which retains many of the characteristic features of the Type 1 variation as described in the Character Appraisal. The rear of the proportions of the

¹ Hanger Hill (Haymills) Estate Conservation Area Character Appraisal March 2008

dwelling also appear to be largely unaltered. As a result, the appeal dwelling makes a positive contribution to the character and appearance of the Conservation Area.

5. The Conservation Area Management Plan² highlights that the generous plots in which houses are sited within the estate is considered to be one of the outstanding characteristics of the Conservation Area and states that all aspects of this openness will be protected. Such characteristics are evident in this part of Corringway where the spaciousness provided by the relatively large back gardens, along with the existing trees and vegetation, significantly contribute to the visual quality and setting of the Conservation Area dwellings.
6. The appellant asserts that outbuildings are very common in this part of the Conservation Area but that isn't borne out in the aerial pictures provided by the Council, which show nothing of comparable scale to that alleged. Reference is made to Nos 105, 111 and 113 but no further supporting evidence is provided relating to those properties. From what I was able to see, and the evidence before me, the outbuilding introduces a substantial building into a setting which is largely characterised by either the absence of structures or by small domestic buildings, such as sheds.
7. The advice of the Management Plan is that garden buildings should be small-scale, discretely sited and for ancillary garden use, comprising a single, modest-sized room. Timber is highlighted as the most appropriate material to ensure that such buildings blend with the landscape.
8. Much of the front elevation of the alleged outbuilding is glazed, with the remainder being mainly dark lead sheeting. That has a much more recessive appearance than the sides, canopy soffit and canopy fascia, which, along with the rear, are finished in shiplap cladding. Although the appellant refers to the cladding as replica timber, it has the appearance of shiny, bright white plastic. Consequently, rather than blending in with the landscape, it stands out against it. Given that the mono-pitched roof also appears to be covered in felt, I cannot agree that the outbuilding utilises high quality materials.
9. I appreciate that the garden is physically able to accommodate an outbuilding of its size and, taken in isolation, it does not result in a disproportionate plot to build ratio. Moreover, in principle, I do not consider a modern design to be inappropriate in terms of the relationship with the main house. I also agree that the outbuilding is conventionally sited at the rear of the garden and that it can be argued as being subservient in scale, relative to the dwellings fronting onto Corringway.
10. Nevertheless, the outbuilding appears excessively large in its garden setting, providing much more than a single, modest sized room as envisaged by the Management Plan. Its overall quality is also significantly diminished by the use of plastic cladding. Consequently, the outbuilding results in a marked and harmful change to the degree of openness in this part of the Conservation Area and to the garden setting of the appeal dwelling.
11. The harm I have found is not sufficiently resolved by its lack of visibility from the street scene; such arguments could be made all too often, to the overall detriment of the character of the area. In any case, due to its size, use of

² Hanger Hill (Haymill) Estate Conservation Area Management Plan March 2008

inappropriate materials and visually isolated position away from the main linear pattern of development fronting onto the road, the outbuilding results in a readily obvious and intrusive form of development that is clearly visible within the appeal site and when seen from the rear of the gardens and houses of neighbouring properties.

12. Whilst screened at the time of my site visit, the appellant's photographs do show that the industrial buildings beyond the site and railway line are visible during the winter months. However, that cannot justify development within the boundary of the Conservation Area that I have found to be harmful. I have noted the representation submitted in support of the appeal, but, for the reasons explained, I have come to a differing view on the effects and acceptability of the alleged outbuilding.
13. I note the appellant's suggestion that the outbuilding broadly complies with that which fall within the realms of permitted development rights. However, that is a moot point because permitted development rights have been removed.
14. I therefore conclude that the alleged development is harmful to the character and appearance of the site and surroundings and as such fails to preserve or enhance the Conservation Area, as anticipated by London Plan Policy HC1, Development Management Development Plan Document (DMDPD) Policy 7C, Development Strategy 2026 Development Plan Document (DSDPD) Policy 1.1, the Conservation Area Management Plan and the National Planning Policy Framework (NPPF). I also find conflict with DMDPD Policies 7.4 and 7B and DSDPD Policy 1.2, which, amongst other things, seek to ensure that development achieves the highest standard of sustainable design.
15. The NPPF expects that great weight is given to the conservation of heritage assets irrespective of whether that harm is substantial or less than substantial. In this case I conclude that the development leads to less than substantial harm to the Conservation Area taken as a whole. In such circumstances the NPPF requires that any identified harm is weighed against any public benefits the development might secure. No such public benefits are advanced and I find none that justify the harm caused by the alleged development so as to prevail over the great weight that should be given to the conservation of the heritage asset.
16. I therefore conclude that the appeal should fail on ground (a) and the deemed planning application should be dismissed.

Richard S Jones

INSPECTOR