



Appeal Decision

Site visit made on 7 January 2022

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th January 2022

Appeal Ref: APP/A5270/W/21/3273266

12 Faraday Road, Acton W3 6JB

- 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 Andrew Devlin against the decision of London Borough of Ealing.
 - The application Ref 184615FUL, dated 8 October 2018, was refused by notice dated 10 December 2020.
 - The development proposed is the conversion of a single-family dwelling house into three self-contained residential units; part single and part two storey side infill extension; single storey rear extension; rear roof extension to main roof slope; rear roof extension to rear outrigger incorporating two Juliet balconies; and installation of two rooflights to front roof slope.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of a single-family dwelling house into three self-contained residential units; part single and part two storey side infill extension; single storey rear extension; rear roof extension to main roof slope; rear roof extension to rear outrigger incorporating two Juliet balconies; and installation of two rooflights to front roof slope at 12 Faraday Road, Acton W3 6JB in accordance with the terms of the application, Ref 184615FUL, dated 8 October 2018, subject to the following 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:
 - Ground Floor Plan Proposed – Drawing Number (08)15 revised Rev A;
 - First Floor Plan Proposed – Drawing Number (08)16 Rev A;
 - Second Floor Plan Proposed – Drawing Number (08)17 rev opt 2 Rev A;
 - Roof Plan Proposed – Drawing Number (08)18 Rev A;
 - Section AA Proposed – Drawing Number (08)20 Rev A;
 - Section BB Proposed – Drawing Number (08)21 Rev A;
 - Front and Rear Elevation Proposed – Drawing Number (08)30 Rev A.

Preliminary Matters

2. I have taken the description of development from the Council's Decision Notice as this is more accurate.
3. Since the Council's original decision, The London Plan 2021 has been published by the Mayor of London. It comprises the spatial development strategy for

London and is now part of the development plan. The policies contained in The London Plan 2021 replace those of The London Plan 2016 referred to in the Council's original decision and as such those policies are no longer relevant.

4. On 20 July 2021, the Government published its revised National Planning Policy Framework ('the Framework'). It replaces the previous version published in February 2019. The Framework represents the Government's up-to-date planning policies for England and how they should be applied. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

5. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, having specific regard to the proposed outrigger roof extension and 2) highway safety, having specific regard to on-street parking.

Reasons

Character and appearance

6. The proposed development includes a number of elements. Although the whole of the development is before me, I have confined my consideration of the appeal in relation to character and appearance to the proposed outrigger roof extension, which is the element of the proposed development in dispute in relation to character and appearance. From the evidence before me, I have no reason to come to a different view from that of the Council in relation to the other elements of the proposed development.
7. The appeal property is a two-storey semi detached dwelling. It is located in a predominantly residential area where there are properties of various designs. There are also a number of roof alterations to surrounding properties that has resulted in a varied roofscape with little uniformity or rhythm. The appellant has also referred to a number of planning consents in the surrounding area for various roof alterations.
8. The proposed outrigger roof extension would deviate from the existing roof slope and would be visible from a limited number of residential properties on Birkbeck Avenue. However, in light of the make-up of the surrounding area and the existing roof alterations, when combined with the lack of visibility from any public vantage points, I do not consider that its size, siting or design would cause harm.
9. I therefore conclude that the proposed development would not have an unacceptable impact on the character and appearance of the host property or the surrounding area. It would comply with Policies 1.1 and 1.2 of Ealing's Development (Core) Strategy (2012) and Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013). Collectively, these policies require that development should be of high-quality design and that extensions should ensure that the resulting development as a whole meets the design standards.

Highway safety

10. The proposed development does not include any off-street parking. This is also the current situation with the appeal property, which comprises five bedrooms. The property is located within a Controlled Parking Zone (CPZ). The Council consider that the new units would add additional parking pressure to the existing highway network, that could be mitigated through the completion of a legal agreement to prevent future occupiers from obtaining parking permits.
11. The proposed development would result in two additional units above the existing number of units. The proposed development would however reduce the size of the existing unit. The Council state that the proposed development would increase the number of people residing at the appeal property to 10, however this is an unsubstantiated assumption, although I accept it is highly likely more people would reside across the three proposed flats as opposed to the existing five-bedroom property.
12. The Council's Officer Report states that in order to try and mitigate the need for a legal agreement, a parking survey was asked for to show the current use and vacancy with regard to on-street parking. Although no survey was forthcoming to the Council, one has been submitted with the appeal. The Council do not dispute its findings, and have presented no evidence to the contrary, with the survey identifying a parking stress level of 81% in the surrounding streets.
13. There is therefore no substantive evidence put forward that the area currently suffers from a high level of parking pressure that would justify the requirement for a legal agreement. On my site visit I observed there was capacity on street for parking, although I accept that this could be different at other times of day. Therefore, given the above, including taking into account that the development would result in two additional units, I am not convinced that the need to restrict the eligibility of occupiers of all units from obtaining parking permits is justified in this case.
14. On my site visit, I also observed that the appeal site is close to bus stops on Horn Lane and to Acton Main Line Station. Due to the accessibility to these transport links, there is likely to be a reduced reliance on the use of a car by the residents of the proposed flats. At the time of my site visit, I observed that the vehicles that were parked on the street, did not appear to create conditions that were detrimental to highway safety. No evidence has been submitted to demonstrate that the lack of parking to be provided by the development would cause demonstrable harm to highway safety.
15. I therefore conclude that the proposed development would not cause a significant increase in the demand for on-street car parking to the extent that highway safety would be compromised. The proposed development would therefore comply with Policy 1.1(f) of Ealing's Development (Core) Strategy (2012) which supports sustainable, safe and convenient transport networks.

Other Matters

16. I note the representations that were received to the initial planning application. In relation to the resulting size of the garden, the Council highlight that there would remain an area of 33.5 sqm and that the proposal does not represent

overdevelopment on the site. Objection was also raised in relation to damp and the structural impact of construction.

17. Objection was received to a previous iteration of the proposed plans in relation to the impact on levels of light to adjacent properties. The Council have raised no such concerns in relation to the revised proposal that is subject to the appeal, and I have no reason to form a different view.
18. The majority of matters raised in representations are primarily civil matters between adjoining property owners and are not pertinent to the main issues. There is no substantive evidence before me on any of these matters that would lead me to form a different view to that of the Council.

Conditions

19. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. The Council have not suggested any conditions, and no other conditions are necessary.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be allowed.

A M Nilsson

INSPECTOR