



Appeal Decision

Site visit made on 25 January 2022

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2022

Appeal Ref: APP/A5270/W/21/3283811

Rear of 11 Newburgh Road, Acton W3 6DQ

- 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 C Dovell of West Side Property Development Ltd against the decision of London Borough of Ealing.
 - The application Ref 212584FUL, dated 12 March 2021, was refused by notice dated 15 June 2021.
 - The development proposed is conversion of 3 garages in to a 2-bed self-contained single family unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that given on the decision notice and appeal form, no confirmation that a change was agreed has been provided.
3. The appellant has provided an amended plan relocating the position of the bin storage area¹. It was provided at the outset of the appeal and parties have had the opportunity to comment on this. Therefore, they would not be prejudice by my taking this into account and I have done so.

Main Issues

4. The main issues of the appeal are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of nearby properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The proposed property would be orientated on to Chaucer Road which is densely developed and characterised by buildings at least 2 storey in height. However, properties are set back from the street behind front gardens often with greenery in reasonably sized plots giving a relatively spacious streetscene. In contrast, the application site, which is at the rear of existing properties, is only single storey. This, along with the colour of the walls result in the building

¹ Drawing No 011/NEW/101 Rev No A

blending into the backdrop of buildings and gives a visual break in the larger built form around it.

6. Although there are various styles in the area, there is a relatively consistent appearance to the rows of dwellings either side of Chaucer Road. The proposed design would relate to neither. The staggered first floor, roof form, unaligned openings and mix of materials that do not reflect the street or the building would result in a disjointed appearance.
7. The existing building would be retained, rather than replaced, the roof shape limits the additional height, and it would remain lower than those around it. However, an extra storey would be added across the whole width of the building. In addition, there is minimal set back of the first floor and it would still abut the road at ground floor level. This would unfavourably contrast with the setting back of the existing properties in the streetscene. It would also prevent any meaningful space for permanent landscaping, with only a small area available within the entrance. The scheme would result in a more imposing building.
8. The proportions and position of the building, along with the contrasting materials at first floor level would draw the eye and be at odds with and erode the openness the discrete scale and appearance of the existing building creates.
9. There would be outdoor space for the proposed property. Nevertheless, while there is some variation of plot sizes in the area, the appeal site is considerably smaller in comparison to existing ones. The building would have no space to either side or the front and little to the rear. As such the proposed development would appear cramped. This would further erode the openness of the streetscene and the feeling of space which contributes positively to its character.
10. Therefore, the proposed development would unacceptably harm the character and appearance of the area. It would fail to accord with the design and character protection aims of Policies D1 and D4 of the London Plan, as well as Policies 7.4 of the DPD². In addition, it would be contrary to the National Planning Policy Framework (Framework) where it requires schemes to be sympathetic to local character.
11. Policy D5 of the London Plan is included in the reasons for refusal. This relates to inclusive design. In the absence of any clear evidence of how the scheme is contrary to this policy, it weighs neither for nor against the proposal.

Living Conditions

12. The Council raised no concerns over the size of the bin storage area and on the basis of the information before me I have reached the same finding. The revised plan shows an area of a comparable size and is now located within the garden area of the proposed dwelling. Given the distance between the bin storage area and other properties, intervening boundary treatments, its size and the relatively infrequent use of such an area there would be limited noise and disturbance.

² Ealing Development Management Development Plan Document

13. As such, the proposed development would not harm the living conditions of the occupiers of adjacent properties with regard to noise and disturbance. It would comply with Policy 7B of the DPD and the Framework where it seeks to provide a high standard of amenity for existing and future users.
14. Policy D4 of the London Plan and 7.4 of the DPD relate to design rather than specifically to the amenity or living conditions of nearby occupiers. Consequently, they weigh neither for nor against the proposal in regard to this main issue.

Other Matters

15. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The site is in a location accessible to services and facilities. However, being for a single dwelling, the contribution towards housing supply, along with economic and social benefits from the construction and occupation of the property would be small.
16. I appreciate the appellant has amended the scheme to seek to overcome concerns raised in previous applications. Nonetheless, even if I were to agree that the proposal was a more efficient use of previously developed land, the harm to the character and appearance of the area outweighs this and any other benefits.
17. The officer report refers to further concerns relating to the size of the outdoor space for the proposed unit and the outlook from 11 Newburgh Road. Nevertheless, these are not included in decision notice. As I am dismissing the appeal on other grounds, and the Council have not confirmed whether they seek to pursue these matters, there is no need for me to consider them further.
18. In any event, as with a lack of concern raised by the Council with regard to parking and highways safety, the absence of harm would only be a neutral factor and not weigh in favour of the scheme.

Conclusion

19. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
20. Therefore, for the reason given above, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR