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# Appeal Decision

Site visit made on 8 February 2022

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> February 2022**

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**Appeal Ref: APP/A5270/D/21/3289235**

**117 Grange Road, Ealing W5 3PH**

- 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 Ms Maryam Amirazizi against the decision of London Borough of Ealing.
  - The application Ref 215614HH, dated 7 September 2021, was refused by notice dated 19 November 2021.
  - The development proposed was originally described as "*demolish the existing side extension, garage and porch to the front of the house. These are to be replaced with a new side and rear extension. A loft conversion is proposed converting the rear hip to a gable to provide sufficient head room. An inverted dormer on the East provides natural morning light. Reworking of side elevations to adjust awkward non-original window locations. Introduction of a small swimming pool in the rear garden. Reworking of the front garden to form a carriage driveway arrangement including relocation of the on street parking bay location to facilitate this*".
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is whether the proposal, including its effect on protected trees, preserves or enhances the character or appearance of the Ealing Common Conservation Area.

## Reasons

3. The appeal site is located in a residential area to the west of Ealing Common. It lies within the Ealing Common Conservation Area (the CA). The significance of this heritage asset lies in the historic presence of the Common, and the residential roads that surround it. The character of the buildings is mainly Victorian and Edwardian, and their scale and architectural quality reflect their origin at a time when Ealing was expanding as a desirable London suburb. Construction materials vary, but brick, stucco trimming, and pitched roofs covered in slate or tiles predominate. Avenues of trees across the Common and on the streets, and planting along property boundaries, and within the gardens, gives the area a suburban and leafy character.
4. The building is a substantial detached house, of brick construction, with pitched roofs covered in plain tiles. It has a twin-gabled frontage, with tile-hung apexes, and vertical tile details above the windows. It has a large rear garden, with planting that is evident through the large gap between the buildings on the eastern side. It has an uncharacteristic flat-roofed garage projecting from

its front elevation, and, unlike most other properties in the area it does not have a front boundary enclosure. However, despite these features, its overall scale, materials, and architectural quality are in keeping with the adjacent houses on this side of the road. Consequently, it contributes positively to the significance of the CA.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. As the appeal building is set much further forward than No 119, the conversion of the rear hip to a gable would be readily evident when viewed from the road to the east. However, from this viewpoint, the stepped arrangement of the buildings means that the higher gables to the front and rear of the two houses to the west are also clearly seen. Consequently, the rear gable would be compatible with the prevailing pattern of roofs in the street scene in oblique views from public vantage points. The asymmetry of the existing roof slopes of the house would result in the rear gable having a somewhat unbalanced appearance. However, this would only be apparent from the rear gardens of the property, and those immediately surrounding. It would not be readily apparent from any public viewpoints, so would not be harmful to the character of the CA.
7. The stepped arrangement of the houses results in the entire side elevation of the appeal building being visible, from some distance, when approaching the site from the east. The inverted dormer in the east-facing roof slope would, therefore, be a particularly prominent feature in the street scene. Whilst there are some rooflights in the locality, this part of the CA is characterised by pitched roofs, which are largely uninterrupted by additions or alterations, resulting in a traditional roofscape, punctuated only by robust brick chimney stacks. The cut into the roof slope, and the expanse of vertical glazing, would be an incongruous feature against the backdrop of the unbroken roof slopes of the buildings beyond, and would be harmful to the contribution that the house makes to the significance of the CA.
8. In arriving at this conclusion, I have considered the examples of other inset dormers within the CA that have been drawn to my attention. The one at 18 The Common is visible from Grange Road, but is in a rear roof slope, so is not as prominent in the street scene. The dormer in the front roof slope at 2 North Common Road does not appear to be a recent addition, and is in an area where roof interventions are more prevalent. I have not been provided with details of the planning circumstances behind either case and, as neither is directly comparable to the case before me, I have afforded them little weight in my decision.
9. The Council's Supplementary Planning Document 4 – Residential Extensions (the SPD) advises that, in Conservation Areas, rear extensions should not extend across the full width of the original dwelling. In this case, however, only the north-eastern corner of the extension would be visible from Grange Road through the gap in the buildings. The full width of the extension would not, therefore, be apparent from public vantage points. The SPD advises that where, as is the case here, the house is detached, or there is a large separation distance between it and the neighbouring property, a larger extension than the recommended maximum depth and height of 3 metres will be acceptable. The

extension would not significantly exceed these dimensions. The part that would be visible would be subordinate in scale to the host dwelling, and would be of complementary design and materials. The provision of a parapeted flat roof, rather than a shallow pitched roof, would accord with the advice in the SPD. Consequently, the rear extension would not harm the character of the existing dwelling or the contribution it makes to the significance of the CA.

10. The swimming pool would be located close to a group of six trees that lie near the north-eastern corner of the plot, either within the site, or close to its boundary within the gardens to the north and east. Whilst none of these trees are of great individual merit, they form a group that is clearly visible in the gap between the appeal building and No 119. As a result, they make an important contribution to the well-vegetated suburban character of the CA. They are not comprehensively and accurately identified on the submitted plans, and from my observations, at least some of them would overhang the pool. No expert evidence has been submitted to demonstrate that the provision of the pool would be compatible with the long-term retention of all the trees.
11. It is suggested by the appellant that an Arboricultural Impact Assessment (AIA), including a root protection strategy, could be secured through the imposition of a planning condition. However, the expert information that would be contained within the AIA should be available prior to determining the location of the pool. In the absence of such information, I cannot conclude that a swimming pool, either above or below ground, could be constructed in the position shown, without the loss of some, or all, of the trees. Adopting a precautionary approach, I therefore find that the development would be likely to result in the loss of trees, which would diminish the positive contribution that the site makes to the significance of the CA.
12. I therefore find that the inset dormer, and the likely loss of trees to accommodate the swimming pool, would harm the character and appearance of the CA. This harm would be limited to a relatively small part of the CA, so would be less than substantial for the purposes of paragraph 199 of the National Planning Policy Framework (the Framework). That does not mean that less than substantial weight should be afforded to the harm. Paragraphs 199 and 200 state that great weight should be given to the asset's conservation, and that any harm to, or loss of, its significance should require clear and convincing justification.
13. Paragraph 202 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development. In this regard, there would be some economic benefit arising from the development, in the form of employment through the construction phase. However, this would be of limited scale and duration, so attracts limited weight. Consequently, it does not outweigh the great weight that the Framework gives to the conservation of heritage assets.
14. The overall development includes the removal of the uncharacteristic garage extension, and the provision of a front boundary wall and gates. These measures, considered in isolation, would represent an enhancement of the CA. However, they would not outweigh the harm that would be caused by the very prominent and incongruous inset dormer or the loss of the group of trees.
15. For the reasons given, the proposal would result in less than substantial harm to the CA. This harm is not outweighed by public benefits. The development

would, therefore, be contrary to Policies HC1 and G7 of The London Plan (2021), and Policies 5.10, 7.4 and 7C of Ealing's Development Management Development Plan Document (2013). Taken together, these policies seek to conserve the significance of heritage assets, and to ensure that trees of value are retained. The proposal would also conflict with the Framework's aim of conserving and enhancing the historic environment.

### **Conclusion**

16. For the reasons given above, I conclude that the appeal should be dismissed.

*Nick Davies*

INSPECTOR