



Appeal Decision

Site visit made on 10 January 2022

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 16 February 2022

Appeal Ref: APP/A5270/W/21/3277875

Hartcliff Court, Osterley Park View Road, Hanwell, London W7 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Bhag Mahie of St Mirren Group of Companies against London Borough of Ealing.
 - The application Ref 212291FUL, is dated 4 March 2021.
 - The development proposed is a two-storey extension on top of existing building, consisting of 2 x 2-bedroom flats and 2 x 1-bedroom flats; five-storey front extension, consisting of entrance lobby, stairwell and lift; and associated alterations to elevations, external waste and bicycle storage, hard and soft landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. Following submission of the planning application, the Council and the appellant agreed to amend the description of development to more accurately describe the proposal. I have therefore used the updated description of development in this decision.
3. As an appeal against non-determination, the Council has not issued a decision. Moreover, the Council has not submitted a statement nor any other evidence in respect of this appeal. On this basis, and in the absence of any detail from the Council pertaining to how the development would or would not meet the provisions of its development plan, I have determined the appeal with regard to the relevant provisions of the National Planning Policy Framework (Framework).
4. Subsequent to submission of the appeal, the 2019 iteration of the Framework has been superseded. I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal. I have therefore determined this appeal with regard to the current version, published in July 2021.
5. An application for prior approval was granted by the Council in January 2021 in connection with the appeal property, for construction of two additional storeys to accommodate 4 x self-contained residential units¹ (Prior Approval). The primary difference between the development approved under the Prior Approval and the development now proposed, is the addition of a 5-storey extension at the front of the property, to accommodate a new entrance lobby,

¹ 203455PANDF, dated 7 January 2021

stairwell and lift. Given that the principle of the upwards extension has already been deemed acceptable by the Council (following the grant of the Prior Approval), the main issues of this appeal will primarily focus on the effects of this front extension.

Main Issues

6. In the absence of any evidence from the Council to indicate its stance in respect of the proposal, I consider that the main issues are:
- the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and Appearance

7. The appeal property comprises a modest three-storey block of flats, together with garages and parking. It sits on the south-eastern side of Osterley Park View Road, close to its junction with Boston Road. Whilst Boston Road is relatively mixed in character, Osterley Park Road is distinctly residential. The road is primarily made up of semi-detached dwellings, broadly consistent in size, height and design. The houses also share a clear front building line, and are separated from the pavement by modest open frontages. This pattern of development is reflective of other residential roads off Boston Road, which gives the area a strong degree of uniformity which contributes positively to the area's character.
8. Whilst the appeal property itself is notably larger than the semi-detached properties which typify the road, it still manages to integrate successfully with the street-scene, as its front elevation is similarly stepped back from the pavement as the neighbouring houses, thereby conforming to the established common building line along the road. This helps minimise the visual impact of the size disparity between the appeal property and the neighbouring houses, which in turn means the appeal property does not appear unduly prominent within the street scene.
9. The proposed development would introduce a front extension to the appeal property, within the intervening gap between its existing frontage and the pavement. The new frontage would sit almost flush with the pavement, thereby interrupting the common building line due to its protrusion beyond the frontages of neighbouring houses. As well as undermining the established pattern of development in the area, the interruption to the front building line means the appeal property would appear especially prominent within the street scene. It would further exaggerate the size disparity between the flats and the neighbouring houses, which would only be exacerbated further by the increased height of the additional two storeys. This would detract from the prevailing sense of uniformity which typifies the road.
10. For these reasons, I consider that the proposed development would harm the character and appearance of the area. It would conflict with paragraphs 124 and 130 of the Framework, which together seek to ensure new development responds properly to local character and design standards, and which

emphasise the desirability of maintaining an area's prevailing character and setting.

Living Conditions

11. As outlined above, the proposed development would bring the front elevation of the appeal property much closer to the pavement. Although this would directly face the rear gardens to nos. 88 and 90 Boston Road, there would be no habitable rooms accommodated within the extension, so the development should not lead to an unacceptable loss of privacy to the occupiers of these properties. Given these dwellings are located on the opposite side of the road, I am also satisfied that there would be sufficient separation between the properties to ensure the development would not have an unduly overbearing or oppressive impact on their occupiers.
12. In terms of the houses to the north-eastern and southern-western sides of the flats, once again there is sufficient intervening space between these properties to ensure that the increased projection forward would not be unduly overbearing on their respective occupiers.
13. I am therefore satisfied that the development would not cause undue harm to the living conditions of any neighbouring occupiers. In this regard, the development would be consistent with paragraph 130 of the Framework, which seeks to ensure new development promotes a high standard of neighbouring amenity.

Other Matters

14. The appeal property is located within the vicinity of a Controlled Parking Zone (CPZ), and no additional parking has been proposed as part of the development. Nonetheless, a signed unilateral undertaking has been submitted by the appellant, which would restrict new owners from obtaining a parking permit within the CPZ. On this basis, I am satisfied that the development would not exacerbate any extant parking issues within the area.
15. Although there are examples of developments along Boston Road which are close to the pavement, there is less cohesion and uniformity along this road in terms of building lines, which means such development can still assimilate successfully within the street scene. Conversely, the appeal property fronts out on to Osterley Park View Road where the pattern of development is significantly more uniform, and this means any interruption to the building line would be significantly more prominent.
16. Whilst attempts have been made to soften the impact of the development by incorporating an 'undercroft' at ground floor level, this in itself would not be sufficient to mitigate against the harm to the road's character and appearance, as the bulk of the appeal property's frontage would still breach the common building line.
17. Whilst I acknowledge that the proposal would lead to improvements in terms of fire safety and accessibility, there is no tangible evidence before me to demonstrate that such improvements could not be achieved without the proposed front extension. As such, these benefits only carry limited weight in my decision. Similarly, whilst the development would increase the Council's housing stock and improve the building's sustainability credentials, there is

again nothing to suggest that that these benefits could not be achieved without the front extension being incorporated into the development.

Conclusion

18. The proposed development would harm the character and appearance of the area and would therefore conflict with the provisions of the Framework, and there are no considerations that would outweigh this finding. The appeal is therefore dismissed and planning permission is refused.

James Blackwell

INSPECTOR