

Appeal Decision

Site visit made on 17 January 2022

by Martin Small BA(Hons) BPI DipCM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th March 2022

Appeal Ref: APP/A5270/W/21/3273435

80 The Ridings, London, W5 3DR

- 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 Guity Mahmoudi against the decision of the Council of the London Borough of Ealing.
 - The application Ref 200210HH, dated 15 March 2021, was refused by notice dated 8 April 2021.
 - The development is described as hardstanding part of forecourt (Retrospectively).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development has already taken place. I have determined the appeal on this basis.

Background and Main Issue

3. The appeal property is within the Hanger Hill (Haymills) Estate Conservation Area (HHHECA). In assessing the effect of the development I have a duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the HHHECA in accordance with s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. The main issue is therefore whether the development would preserve or enhance the character or appearance of the HHHECA.

Reasons

5. The HHHECA is a primarily residential area dating from the interwar period with detached or semi-detached houses on large plots. It is laid out on a hillside as four curving roads forming a semi-circle, of which The Ridings is one, with interconnecting radial roads. The HHHECA Character Appraisal notes that the Area, *"although the result of a planned estate mainly developed at the same time, offers a very diverse architectural character due to the combination of different house styles, designs and types"*. Notwithstanding this variety, the overall effect is harmonious and the HHHECA has a very pleasant mature residential suburban character with its distinctive curving streetscapes.
6. Street trees, front boundary hedges and planting in front gardens also contribute significantly and positively to the character and appearance of the HHHECA. The Character Appraisal identifies the loss of front gardens, trees and thinning of hedges as being issues for the character and appearance of the Area.

7. The appellant has provided photographs of other properties on The Ridings where front gardens have been completely lost or more than 50% has been lost to hardstandings and I noted several examples during my site visit. Nevertheless, the majority of properties do retain significant planting such that vegetation remains an important contributor to the character and appearance of the HHHECA. To help address the insidious loss of planting the Council has made an Article 4 direction restricting permitted development rights for alterations to properties and the provision of hardstandings on the road frontages, including the paving of front gardens.
8. The HHHECA Management Plan sets out that no more than 50% of a front garden area should be hard surfaced with the remainder planted and/or grassed. This is guidance that does not have the same weight as planning policy and the Council accepts that less than 50% may be acceptable depending on the landscaping scheme and layout. Nevertheless, the guidance is an important consideration in demonstrating how the Council seeks a reasonable balance between its duty as regards the character or appearance of the HHHECA and the understandable desire of householders to park on their own properties.
9. The appellant does not dispute the Council's contention that the paving in this appeal covers approximately 71% of the front garden of the property, excluding the driveway, with only small planting beds to the front of the appeal dwelling and to the front and side boundaries. The extent of hardstanding is thus significantly greater than the guidance figure in the Management Plan.
10. The beds have been planted with taller plants following the refusal of a previous application for the retention of the paving (192840HH) and details of planting could be secured through a planning condition. However, a condition would not address the significant extent of the hardstanding relative to the limited planting to the frontage. This extent does not respond to the existing character of the place nor ensure a positive visual impact and, consequently, the development is harmful to the character and the appearance of the HHHECA.
11. I consider this harm to be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) requires such harm to be balanced against the public benefits of the development. In this case the development provides off-street parking. The consequent reduction in the need to park on-street could be considered to be a public benefit of the scheme but although the appeal property is within a controlled parking zone, I have no specific evidence that on street parking is a particular problem in the locality. Any such public benefit would therefore be limited.
12. It is evident that the main benefit of the development is to the occupiers of the appeal property. I therefore find that any limited public benefits of the development do not outweigh the harm to the character and the appearance of the HHHECA. Furthermore, the Framework sets out that great weight should be given to the conservation of designated heritage assets and any harm to or loss of significance of such an asset requires clear and convincing justification. No such justification has been provided in this appeal.
13. I therefore conclude that the development fails to conserve or enhance the character or appearance of the HHHECA. Accordingly, in this respect, the development conflicts with Policies D3 and HC1 of the London Plan (2021) and

Policies 5.10, 7B and 7C of the Development Management DPD (2013) (DM DPD). These policies, in combination, seek to protect local character and heritage assets, retain planting and ensure a high standard of amenity.

14. The development also conflicts in this respect with Policy 1.1 of the Development (or Core) Strategy, which protects heritage assets, and Policy 7.4 of the DM DPD which protects local character. Although not cited in the reason for refusal, these policies are referenced in the Planning Officer's Report. However, I find no conflict with Policy D4 of the London Plan which sets out how good design will be delivered rather than specifically requiring such design.

Other Matters

15. I acknowledge the appellant's frustration given the existence of similar hardstandings in the locality of the appeal property, the delay in determining the planning application since its original submission and the inference from the Planning Officer that the application would be approved. However, I am not aware of the planning history of the other hardstandings with respect to the Article 4 direction. The manner in which the Council determined the application is not for me to consider in the context of this appeal which is confined to assessing the proposal on its individual planning merits and it was the decision of the Council to refuse permission.

Conclusion

16. I have found above that the development conflicts with the development plan. There are no material considerations that indicate that a decision should be made other than in accordance with the development plan.
17. For this reason, and having regard to the other matters raised, the appeal is dismissed.

Martin Small

INSPECTOR