



Appeal Decision

Site visit made on 10 May 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/A5270/W/21/3287905

15 Barn Close, Northolt UB5 6NA

- 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 Mrs Nooria Ismat Qadiri against the decision of the Council of the London Borough of Ealing.
 - The application Ref 216131FUL, dated 14 October 2021, was refused by notice dated 22 November 2021.
 - The development proposed is change of roof design from hip to gable, loft conversion to habitable space, installation of a full width rear dormer and insertion of 3 x roof light in the front roof slope.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above is taken from the planning application form, although I note it has been expressed differently including on the appeal form and the Council's decision notice

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host building and area.

Reasons

4. Barn Close is a short cul-de-sac characterised by maisonettes within buildings of like scale that are positioned reasonably evenly around the street. Together with the similar overall appearance of the buildings which include hipped tiled roofs, red brick external finishes and generally matching patterns of fenestration, this results in a distinctive rhythm and an attractive sense of symmetry and uniformity to the street scene.
5. The appeal relates to a maisonette within part of the first floor of one of the buildings that sit at the head of the cul-de-sac. As part of the proposal, the roof above the appeal dwelling would be altered from a hipped form to a gable end. While I saw that some nearby streets include buildings with a mix of hipped and gabled roof forms, the development would result in the only side gable on Barn Close. Despite the appeal building's position at the end of the street, it was clear from my observations at my visit that the development would be readily apparent in views from Edward Road and Rushdene Crescent, as well as from Barn Close itself. In these views, the contrasting gabled form at one side of the roof would visually unbalance the host building, and in my judgement

would stand out as an incongruous and discordant feature that would harmfully disrupt the existing impression of symmetry which is a distinctive attribute of the Barn Close street scene.

6. Furthermore, the set in of the proposed rear dormer from the roof ridge, eaves and boundary with 13 and 14 Barn Close would in all cases be relatively limited, contrary to guidance within Supplementary Planning Document 4 Residential Extensions (SPD4) which seeks set ins of at least 0.5m. The appellant advises that planning permission previously granted for a dormer to the appeal building ('the existing permission')¹ included similar set in distances, but in that case the dormer was to the rear of the existing roof. The dormer now proposed would occupy nearly the entirety of the extended roofslope. It would substantially increase the bulk and mass of the roof, and I find that it would dominate and further unbalance the form of the host building, to the detriment of its character and appearance. I appreciate that the dormer would not be readily visible from the street scene, but while the visual impact would therefore be limited, it would still be apparent from neighbouring gardens and would stand out against the more modest and generally unaltered roof forms on Barn Close.
7. The appellant has drawn my attention to examples of other development in the wider area, including at 14 Rushdene Crescent which introduced a gable end and dormer to one half of a semi-detached building. However, I saw that Rushdene Crescent includes many other buildings with gable ends, and I have not been made aware that any of the examples referred to by the appellant have resulted in gable ends in streets that were previously only characterised by buildings with hipped roof forms as would be the case on the appeal site. Accordingly, their circumstances are not directly comparable to the appeal proposal, and I do not find that these examples offer meaningful support for the development before me.
8. I have also had regard to a petition signed by 15 residents of Barn Close in support of allowing proposals to change the design of roofs from hipped to gable forms. However, I have not been made aware of any current firm proposals for such alterations, and this is not a factor that alters my consideration of the planning merits of the development having regard to the existing context of the appeal site.
9. For these reasons, I conclude that the proposal would cause unacceptable harm to the character and appearance of the host building and area and that it would conflict with Policy D3 of the London Plan 2021 and Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013. Together and amongst other things, these policies broadly require development that responds positively to local distinctiveness and that complements the pattern, scale and visual amenity of their surroundings.

Planning Balance

10. I acknowledge that the proposal would make effective use of the appeal site in accordance with advice within the National Planning Policy Framework, and I am also sympathetic to the appellant's desire to provide additional living space including bedrooms for their family. However, while there may be differences in the height and size of the rooms created, I have not been provided with substantive evidence to demonstrate that the accommodation provided by the

¹ Application reference 213812FUL

existing permission would be inadequate to offer reasonable living conditions for occupiers, nor that it could not be delivered.

11. That said, I have nevertheless considered the rights of the appellant under Article 1 of the First Protocol and Article 8 of the Human Rights Act 1998. Article 1 of the First Protocol states that every person is entitled to the peaceful enjoyment of their home. Article 8 affords the right to respect for private and family life. However, these are qualified rights, and interference may be justified where it is in accordance with the law and is necessary in a democratic society, applying the principle of proportionality.
12. Dismissal of the appeal would lead to interference with the appellant's rights under both Article 1 of the First Protocol and Article 8. However, the development would be likely to remain long after the current personal circumstances cease to be material, and I am mindful of advice within the Planning Practice Guidance highlighting that in general, planning is concerned with land use in the public interest. The harm that I have identified to the character and appearance of the area is such that I find dismissal of the appeal would be a proportionate and necessary response that would not violate the appellant's rights under Article 1 of the First Protocol or Article 8. The protection of the public interest cannot be achieved by means that are less interfering of the appellant's rights.

Conclusion

13. For the reasons given above, I find that the proposal would conflict with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached.
14. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR