



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: 17 May 2022

Appeal Ref: APP/A5270/W/21/3289977

64 Somerset Road, Southall UB1 2TS

- 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 Chandima Dharmawickrama, Yellow Butterfly Nursery against the decision of the Council of the London Borough of Ealing.
 - The application Ref 216020FUL, dated 6 October 2021, was refused by notice dated 25 November 2021.
 - The development proposed is described as 'removal of existing wooden fence, erection of part new boundary wall and Nylofor 3D railing (2.0mtr total high)'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) the effect of the proposal on the living conditions of the occupiers of 62 Cornwall Avenue with particular regard to outlook.

Reasons

Character and Appearance

3. The appeal site includes a semi-detached building which is in use as a nursery and which is located to the north east of the crossroads junction of Somerset Road and Cornwall Avenue. The buildings on each corner of the crossroads are orientated diagonally to address the junction in an axial layout, and have generous frontages which are typically enclosed by low brick walls. As a result, there is a spacious character around the junction, and a sense of a smooth transition in the building lines along the streets as they turn each of the corners. I saw a similar layout to buildings on a number of other corners near to the site, and the resulting rhythm in views along the streets and emphasis and prominence given to the junctions are distinctive features of the area.
4. The appeal proposes alterations to the boundary around the site frontage to provide a brick wall to a height of around 1m, with railing above to a total height of around 2m. Although the development description also refers to removal of existing wooden fence, the evidence before me indicates that this fence does not benefit from planning permission, and I have considered the appeal accordingly.
5. The development would be substantially higher than the treatment to the boundaries around the front of other buildings on the Somerset Road/Cornwall Avenue junction. Although there would be some views through its upper part,

the wires forming the railing would still be relatively close set, and in combination with the height of the development, I find that there would be a clear impression of enclosure around the site frontage which would be unusual, and which would significantly diminish the existing spacious character here. The projection of much higher development stepping forward of the host building would additionally form a highly prominent and intrusive interruption to the existing building line around the junction, and would detract from the rhythm of the street scenes.

6. The unsympathetic nature of the development would be further exacerbated by the use of 'Nylofor' fencing which would bear little resemblance to the brick walls, timber fencing, wrought iron style railings or vegetation that predominantly mark boundaries to the front of other buildings in the vicinity of the site.
7. I have had regard to examples of other developments referred to by the appellant in support of the appeal. However, I saw at my visit that the wall and fence to the side of the example building on Cornwall Avenue does not continue around the frontage of that site, and that the boundary wall and railing to the front of the building on the corner of Jubilee Gardens is lower in height than is proposed on the appeal site. The building on the corner of Viking Road and Spikes Bridge Road is not orientated diagonally to the junction, and the fencing to its side does not in any event project beyond the building's front elevation. While boundary treatment at Snowflakes Day Nursery does project forward of the building at some height, I am not aware of the particular circumstances which applied in that case. Moreover, the majority of that boundary is formed of timber fencing which reflects similar fencing present to the frontages of other buildings in the vicinity, albeit of lower height, and the materials are therefore more in keeping with its surroundings than the 'Nylofor' fencing proposed in the current appeal. Accordingly, these examples are not directly comparable to the development before me, and I do not find that they overcome the harm that I have identified so as to offer compelling justification for the proposal.
8. For all of these reasons, I find that the development would be a highly conspicuous and incongruous feature that would relate poorly to the street scenes of either Somerset Road or Cornwall Avenue, and I conclude that it would cause unacceptable harm to the character and appearance of the area. There would consequently be conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013 (DMDPD) and Policies D3 and D4 of the London Plan 2021 (LP) which together and amongst other things broadly seek development that responds to local distinctiveness and that complements and has a positive visual impact on its surroundings. The proposal would also be contrary to the National Planning Policy Framework (the Framework) insofar as it requires development that is sympathetic to local character and that adds to the overall quality of the area.

Living Conditions

9. The development would project substantially forward of the front elevation of the attached dwelling at 62 Cornwall Avenue. While the upper part of the boundary would not be solid, I have already identified that the relatively close-set railings would nevertheless result in a clear impression of enclosure. In my judgement, the height and depth of the development along the boundary

in such close proximity would combine to result in a dominant feature when seen from the bay window to the front of No 62, and would give rise to an unwelcome degree of enclosure that would harm outlook for the neighbouring occupiers.

10. Accordingly, I conclude that the development would harm the living conditions of the occupiers of 62 Cornwall Road. It would be contrary to Policies 7.4 and 7B of the DMDPD and Policies D3 and D6 of the LP which include requirements that development delivers appropriate outlook and a high standard of amenity for adjacent users. It would also be contrary to the requirement within the Framework for a high standard of amenity for existing users.
11. The Council's reason for refusal additionally suggests conflict with Policy 1.1 of the Development Strategy 2026 Development Plan Document 2012 and Policy 7.4 of the DMDPD. However, the Council's evidence does not explain the basis for this view, and having regard to the content of these policies which relate to the spatial vision for the borough and local character respectively, they seem to me to be of lesser relevance here.

Other Matters

12. The appellant asserts that the replacement of fencing on the site would enhance highway safety, but in the absence of clear evidence to demonstrate that the fencing to be replaced would be lawful, it is unclear that there is existing detriment to safety, and I am not persuaded that this is a benefit of the appeal proposal.
13. I appreciate that the frontage of the appeal site is used as outdoor space for the nursery, and that the development is intended to provide for safety, security and privacy for the site and its users. However, there is little firm evidence before me to demonstrate that boundary treatment of the height and materials proposed would be necessary to achieve these outcomes. While I am sympathetic to the need to ensure the safety and security of children on the site, I do not consider that the benefits identified by the appellant would be sufficient to outweigh the totality of the harm that I have identified to the character and appearance of the area and to the living conditions of the occupiers of 62 Cornwall Avenue.
14. The appellant indicates that they would be open to amending the scheme by way of a planning condition, but no clear proposals for any amendments are before me, and I can have little certainty that the harm that I have identified would be effectively addressed by an amended scheme. I am not therefore satisfied that the development could be made acceptable through use of a planning condition.

Conclusion

15. 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. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR