



Appeal Decision

Site visit made on 1 November 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2022

Appeal Ref: APP/A5270/W/22/3291031

9 Elm Grove Road, Ealing W5 3JH

- 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 Mr Larry Frankum of DA Frankum Ltd against the decision of the Council of the London Borough of Ealing.
 - The application Ref 204974FUL, dated 3 December 2020, was refused by notice dated 28 July 2021.
 - The development proposed is the erection of a single storey, two bedroom dwelling house on the land at the rear of 9 Elm Grove Road.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises part of the garden area of 9 Elm Grove Road (No 9), a large, detached property which has recently been converted into seven flats¹. The garden has also been subdivided with close boarded fencing defining the appeal site plus two other areas serving ground floor flats and located adjacent to the rear elevation of the property.
4. The prevailing character of the surrounding area includes substantial two and three storey detached and semi-detached properties with a variety of frontage features, windows and roof types. Frontages address the road, set back behind generous front gardens and driveways which, combined with the substantial mature street trees, provide a spacious, verdant character to the established residential area. Although not a Conservation Area and, whilst many properties have been converted into flats and/or extended, the long rear gardens in the area contribute positively to this spacious character. Several gardens close to the appeal site have outbuildings, comprising garages and garden structures, including neighbouring properties to both sides and at the rear.
5. Comprising a single storey, two bedroom dwelling, the proposed development would be located in the existing garden area of No 9, towards the rear boundary. Accessed via a shared pathway from the road, located between No 9 and 7 Elm Grove Road, it would be a self-contained and compact form of

¹ Planning application Ref 190848FUL

development that makes efficient use of land, as promoted by the National Design Guide (2021). Although set within its own garden area that the appellant considers generous and 'big enough', the proposed development would be an uncommon feature in a rear location where no other dwellings are present. Irrespective of the limited views of the proposed development from the public realm, the new dwelling would be experienced from the private spaces of nearby properties. Despite the retention of existing landscape features alongside new planting, the proposed dwelling would not reflect the prevailing pattern of development in the surrounding area. As a result, it would be an incongruous and discordant form.

6. Notwithstanding the proposed large windows and design details being reflective of nearby outbuildings, the height, footprint and overall scale of the proposed dwelling would be significantly larger than the other structures I observed. I have been referred to a recently approved planning permission for a studio outbuilding² on the appeal site. However, this would be a substantially smaller scale structure than the appeal scheme. Additionally, given its use as a studio, the activity around it would have a character more sympathetic to the surrounding area, in contrast to the activity associated with a separate dwelling,
7. The design and access statement refers to other planning applications in the borough, recently approved for new dwellings located to the rear of properties. Notwithstanding the limited details before me of these cases, these examples are located within residential blocks with differing characters and relationships between existing properties and garden areas to the appeal site and its surroundings. Therefore, they are not directly comparable to the circumstances of the appeal scheme. Similarly, the presence of infill development in the area is not a reason, in itself, to permit unacceptable development.
8. I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. As such, it would be contrary to policies 7B and 7.4 of the Ealing Development Management – Development Plan Document (2013). Amongst other provisions, these policies seek to ensure development delivers good design that complements the local context, including the prevailing pattern of development.
9. On the decision notice, the Council also refers to policies D1 and D4 of the London Plan (2021). These policies relate to the need for boroughs to undertake area assessments to identify suitable locations for growth and how Councils can deliver good design. As such, they are not determinative in this case.

Other Matters

10. Even if I were to conclude that the proposed development would not harm the living conditions of existing and future occupiers in terms of noise, garden area size, privacy, and daylight and sunlight these would be neutral factors in my decision. Similarly, concluding that the proposed development would not prejudice highway safety and represents an efficient use of land with a low risk of flooding would also be neutral factors.

² Planning application Ref 216614FUL

11. The appellant refers to the presumption in favour of sustainable development set out in the National Planning Policy Framework (the Framework). However, there is no substantive evidence before me that indicates that the Council is unable to demonstrate a five year supply of housing or that relevant development plan policies are out-of-date for other reasons. Consequently, there is no reason to conclude that paragraph 11d of the Framework is engaged and that the presumption in favour of sustainable development should be applied in this decision.
12. My attention has been drawn to paragraph 69 of the Framework which recognises the important contribution that small and medium sites can make in meeting the housing targets of an area and reflected in Policy H2 of the London Plan. The net gain of one dwelling would be beneficial in meeting the target of ten percent of new housing to be on small sites, could also be brought forward quicker and would be able to support small builders and local suppliers. However, as this benefit is limited, it would not outweigh the harm I have identified above.

Conclusion

13. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the harm and associated development plan conflict. Therefore, I conclude that the appeal is dismissed.

Juliet Rogers

INSPECTOR