



Appeal Decision

Site visit made on 21 November 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 December 2022

Appeal Ref: APP/A5270/D/22/3305961

5 The Ridings, Ealing W5 3BT

- 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 Extension Architecture against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221595HH, dated 12 April 2022, was refused by notice dated 8 June 2022.
 - The development proposed is an additional drop kerb, together with front garden landscape alterations, including the replacement of the existing front entrance door.
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Decision

1. The appeal is allowed and planning permission is granted for an additional drop kerb, together with front garden landscape alterations, including the replacement of the existing front entrance door at 5 The Ridings, Ealing W5 3BT in accordance with the terms of the application, Ref 221595HH, dated 12 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5TR-PL-00, 5TR-PL-01, 5TR-PL-02, 5TR-PL-03, 5TR-PL-04, 5TR-PL-05, 5TR-PL-06, 5TR-PL-07, 5TR-PL-08, 5TR-PL-09, 5TR-PL-10 and 5TR-PL-11.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Hanger Hill (Haymills) Estate Conservation Area; and
 - the safety and convenience of highway users.

Reasons

Character and appearance

3. The site falls within the Hanger Hill (Haymills) Estate Conservation Area ('HHECA'). I observed on my visit that this part of it is characterised by substantial detached properties, often on large plots, and generally of an individual design. The houses are set well back from the road, sometimes behind areas of soft landscaping.

4. The Hanger Hill (Haymills) Estate Conservation Area Management Plan 2008 ('CAMP') sets out that the estate's character is partly derived from enclosed and planned front gardens. It identifies the loss of front garden trees, fences and walls, and the creation of additional access ways and hardstanding's over the entire frontage, as a threat to its character. It continues at page 19 that 'no more than fifty per cent of the front garden area should be hard surfaced, with the reminder [sic] of the front garden planted and/or grassed'.
5. The scheme would involve additional parking and manoeuvring space to the front of the property. As a result, based on paragraph 5.12 of the appellant's statement, around 54% of the property's front garden would be hard surfaced.
6. However, I observed that whilst the front gardens of nearby properties typically contain landscaping, many are also substantially hard surfaced. As illustrated by the photographs at paragraph 5.18 of the appellant's statement, that includes 1, 6, 11, 11a and 19 The Ridings, and 2 Dallas Road. Although I do not know when those works were undertaken, they nevertheless form part of the area's established character. Moreover, in a fairly recent application (Ref: 171766HH) at 78 The Ridings ('No 78') officers found that hardstanding covering around 52% of the front garden would not harm the HHECA.
7. The increase in the hard surfaced area here would be greater compared to No 78, and unlike there, it would not be well screened behind an existing hedgerow. However, its paved finish and its curved design, would soften its visual impact; and a substantial area of the property's front garden, including adjacent to the low front boundary wall, would be soft landscaped.
8. As a result, and in the context of the area, although the proportion of the front garden that would be hard surfaced would be just over the maximum advised in the CAMP, it would not appear out of place.
9. I observed that the design of front doors in the HHECA is quite varied. Contrary to the Council's view, the appellant maintains that No 5's existing door is not original. Whether or not that is the case, the proposed door, as illustrated on drawing no. 5TR-PL-10, broadly reflects the style for 'Modern Type' houses such as this, as illustrated on page 28 of the Hanger Hill (Haymills) Estate Conservation Area Character Appraisal 2008. It also appears similar to that approved under application Ref: 216913HH at 4 The Ridings. The proposed replacement door would therefore be acceptable.
10. The National Planning Policy Framework ('Framework') sets out that great weight should be given to the conservation of a designated heritage asset, such as a conservation area, and that harm to its significance should require clear and convincing justification. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of development affecting conservation areas, special attention shall be paid to the desirability of preserving or enhancing their character or appearance.
11. In broad terms, Policy HC1 of the London Plan 2021 ('LP') and Policy 7C of the Ealing Development Management Development Plan Document 2013 ('EDMP') require development to conserve the significance of heritage assets, retain and enhance characteristic features and detailing, and to avoid design which undermines the significance of conservation areas.

12. These policies are therefore broadly consistent with the Framework, and reflect the statutory test. For the above reasons, the scheme would not harm the character and appearance of the HHECA, and it would not conflict with those policies.
13. Given those findings, it would not conflict with the more general requirement for high quality design, which responds to its context, as described in LP Policy D3 and EDMP Policies 7.4 and 7B. As LP Policy D4 sets out how Borough Councils should address matters, it is of limited direct relevance to this scheme, but the scheme would not conflict with its approach to good design.

Safety and convenience of highway users

14. The creation of an additional vehicle crossover would result in the loss of at least one roadside parking space. That space is within a Controlled Parking Zone, where only permit holders may park on Mondays to Fridays between 09:00 to 10:00, and 15:00 to 16:00.
15. However, most properties in the area have off-road parking and, whilst it represents just a snapshot in time, there was ample roadside parking available during my visit. I have no cogent evidence that this is an area of significant parking stress. Thus, I am not persuaded that the loss of a very small length of roadside parking would significantly inconvenience highway users, or that it would have a significant impact on parking provision.
16. The proposed access would be close to a bend in the road and a junction. However, these are quiet residential roads, which are subject to a 20mph speed limit, and where forward visibility for drivers is generally good. Given the low front boundary wall, drivers using the proposed access would have a good view of pedestrians on the pavement. Moreover, unlike the existing arrangement, in its favour, the scheme would enable vehicles to enter and leave the site in a forward gear.
17. The proposal would allow at least 3 cars to park off road. Although that would be greater than the maximum provision for a new house in an area such as this as described in LP Policy T6.1 Table 10.3, as this scheme would serve an existing dwelling, that is of limited relevance on this issue.
18. Whilst the Highways Service Dropped Kerb Application Pack for Residents 2021 states that only one crossover per property is allowed, for the above reasons, I am satisfied that the creation of a second access here would not harm the safety or convenience of highway users, and that it would not result in significant parking stress. The scheme would not therefore conflict with LP Policies T6 and T6.1, and I have no evidence that it would conflict with EDMP Policy 6.13 which addresses disabled parking requirements.

Conditions and Conclusion

19. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. I have imposed the standard time limit condition and, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans.
20. The Council has also suggested a condition requiring that the external surfaces of the development shall match those used in the existing building. However,

as, other than the replacement front door, block paving is proposed, that is unnecessary.

21. Summing up, the scheme would preserve the character and appearance of the HHECA, and it would not have a harmful impact on the safety and convenience of highway users. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR