



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: 16th December 2022

Appeal Ref: APP/A5270/D/22/3307612

68 Princes Gardens, Ealing, Acton W3 0LQ

- 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 Eva Berg-Winters against the decision of the Council of the London Borough of Ealing.
 - The application Ref 222624HH, dated 14 June 2022, was refused by notice dated 9 August 2022.
 - The development proposed is described as 'two new dormers on rear slope with three light casement 1.8m wide x 1.2m high, clad in lead with a flat roof, a timber fascia and a timber cornice moulding, including installation of external roller shutter (shutter box to be hidden internally) on both windows. Dormer design to comply with Hanger Hill Garden Estate Conservation Area Design Guide (Part 3 – point 8). Front and rear roof replacement to comply with Hanger Hill Garden Estate Conservation Area Design Guide (Part 3 – point 13). Roof structure replacement subject to structural survey.'
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Decision

1. The appeal is allowed and planning permission is granted for two new dormers on the rear slope with three light casement 1.8m wide x 1.2m high, clad in lead with a flat roof, a timber fascia and a timber cornice moulding, including installation of external roller shutter (shutter box to be hidden internally) on both windows at 68 Princes Gardens, Ealing, Acton W3 0LQ in accordance with the terms of the application, Ref 222624HH, dated 14 June 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: site location plan at 1:1250 scale, block plan at 1:500 scale, and drawing nos. 2122.03, 2122.04, 2122.SH05, 2122.SH06 and 2122.SH07.

Procedural Matters

2. I have taken the description of the proposed development in my banner above from the application form. However, in my formal decision I have omitted references to those matters which are not an act of development.
3. Two virtually identical planning applications at 68 Princes Gardens ('No 68') were determined on 9 August 2022. However, unlike Ref 222447HH which was permitted, the refused scheme the subject of this appeal included the installation of roller shutters on each of the rear dormer windows.

4. Given that history, and as the Council's reason for refusal relates only to the impact of the roller shutters, I have focused on that matter in my decision.

Main Issue

5. The main issue is whether the proposed roller shutters would preserve or enhance the character or appearance of the Hanger Hill Garden Estate Conservation Area.

Reasons

6. The National Planning Policy Framework ('Framework') sets out that great weight should be given to the conservation of designated heritage assets, such as conservation areas, and that harm to their 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.
7. The Hanger Hill Garden Estate Conservation Area ('HHGECA') is broadly characterised by houses and flats, which sit within a landscaped setting, and many of whose front faces are in a half-timbered style. However, as described in the Hanger Hill Garden Estate Conservation Area Character Appraisal, in contrast to that decorative 'front of house' display, their rear elevations are much more utilitarian.
8. Whilst the Hanger Hill Garden Estate Conservation Area Management Plan 2009 ('CAMP') sets out the importance of roofscape to the area's character, and provides guidance on design detailing, including the location, materials and proportions of dormers, it does not refer to the acceptability of roller shutters.
9. No 68 is typical of the area's style and character. It sits within a terrace, whose timber detailed front elevation addresses the landscaped highway, but which has a much plainer appearance to the rear.
10. The proposed roller shutters would be internally hidden within a shutter box when pulled up. When lowered in order to exclude light and to provide temperature control, they would present a blank façade. In that regard, and at those times only, they would contrast with the glazed appearance of the other windows at No 68, and with the windows in the rest of the terrace.
11. However, in this rearward location, they would not be visible in the streetscene, and as illustrated by the visualisation at Appendix B of the grounds of appeal, they would broadly respect the appearance of No 68's rendered walls, thus mitigating their impact in private views from nearby properties, including their gardens.
12. There are variations between the rear elevations of the houses in this terrace due to differences in colour, and other alterations. In that context, and given the character of the area, the proposed shutters, even when drawn down, would not appear incongruous, or out of keeping.
13. 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, to retain and enhance characteristic features and detailing, and to avoid design which

- undermines the significance of conservation areas. They are therefore consistent with the Framework, and reflect the statutory test.
14. As this scheme would not harm the character and appearance of the HHGECA, it would not conflict with those policies, or with the advice in the CAMP.
 15. Additionally, given my findings, the proposal would not conflict with EDMP Policy 7.4 which states that development should complement an existing area with regard to matters such as materials and detailing. As LP Policy D4 sets out how Borough Councils should address delivering good design, it is of limited direct relevance to this scheme, but the proposal would not conflict with its general approach.
 16. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. As well as the standard time limit condition, in the interests of certainty, a condition is necessary requiring that the development be carried out in accordance with the approved plans.
 17. Finally, whilst the Council has suggested a matching materials condition, as the proposed materials are detailed on the approved plans, to which my condition No 2 refers, that is unnecessary.
 18. Summing up, the scheme would preserve the character and appearance of the HHGECA, and having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR