The Planning Inspectorate

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: 15 December 2022

Appeal Ref: APP/A5270/D/22/3307256

59 Monks Drive, Ealing, Acton W3 0ED

- 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 Miss Nakako Hashimoto against the decision of the Council of the London Borough of Ealing.
- The application Ref 223052HH, dated 12 July 2022, was refused by notice dated 2 September 2022.
- The development proposed is a single storey rear infill extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear infill extension at 59 Monks Drive, Ealing, Acton W3 0ED in accordance with the terms of the application, Ref 223052HH, dated 12 July 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: 2059/2/01, 2059/2/03, 2059/2/04 and 2059/2/11.

   3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. As well as the proposed single storey infill extension, I have considered the other elements of the scheme as set out on the drawings and as referred to in the description on the Council's decision and on the appeal form, but to which no objections have been raised.

Main Issues

3. The main issues are the effect of the proposal on:

   - the character and appearance of the host property, and whether it would preserve or enhance the character or appearance of the Hanger Hill Garden Estate Conservation Area; and

   - the living conditions of adjacent occupiers with particular regard to the availability of light to, and the outlook from, 57 Monks Drive.

Reasons

Character and appearance

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas. The National Planning Policy Framework ('Framework') states that great weight should be given to the conservation of designated heritage assets.

5. The houses along this side of Monks Drive are primarily arranged in short terraces, which are set back from the tree-lined highway behind small front gardens. They typically have bay windows, sometimes with gables, to the front, and display ornamental features such as half-timbered detailing. These characteristics all contribute to the significance of the Hanger Hill Garden Estate Conservation Area ('HHGECA').

6. However, in contrast to that decorative 'front of house' display, the Hanger Hill Garden Estate Conservation Area Character Appraisal 2008, notes that the buildings' rear elevations are much more utilitarian. In that respect the host property is typical of the area.

7. Having regard to the grain of the Estate and the modest size of its properties, the Hanger Hill Garden Estate Conservation Area Management Plan 2009 ('CAMP') sets out that 'no rear infill extension will be permitted and only modest and subservient additions to original rear additions (outrigger) will be considered to a maximum depth of 2.4 metres.'

8. More generally, Part 5 of the Council's Residential Extensions Supplementary Planning Document No 4 ('SPD') states that in most cases, a single-storey rear extension with a maximum height and depth of 3 metres will be acceptable, as long as the dwelling has not been extended in the past and it is aligned with the neighbouring dwelling. It continues that in conservation areas, extensions should not extend across the full width of the original dwelling, thus obscuring its ground floor.

9. The host has a short single storey outrigger across part of its rear face, whose fairly simple style, hipped roof form, and rendered finish, broadly reflects the appearance of the remainder of the property.

10. The proposed extension would be the same depth as that outrigger and would be finished with matching materials. Its hipped roofed form and its slight set down below the height of the outrigger would limit its bulk, and it would appear suitably subordinate to the host.

11. However, as it would fill in the gap to the side of the outrigger, in proximity to the boundary with 57 Monks Drive ('No 57'), and would have a depth of around 3.4 metres and a maximum height of around 3.3 metres, it would not fully accord with the CAMP and the SPD.

12. That said, I observed on my visit a fairly eclectic mix of nearby single storey rear extensions. Indeed, Appendix 3 of the appellant's statement of case shows rear projections within the HHGECA, many of which have infilled the gap next to original rear outriggers. That includes single storey rear extensions at 61 and 65 Monks Drive, and an approved one at 71 Monks Drive which is very similar to that proposed here.

13. Notwithstanding the advice in the CAMP and the SPD, those extensions all form part of the area's established character. Consequently, in the context of the area, this one, which would not be visible in the streetscene, would not appear incongruous. Thus, it would harm neither the character and appearance of the host, nor the HHGECA.

14. 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 approach in the Framework, and reflect the statutory test. As this scheme would not harm the character and appearance of the HHGECA, it would not conflict with those policies.

15. Given those findings, the proposal would not conflict with EDMP Policies 7B and 7.4 which set out the need for good architecture which has a positive visual impact, and for development which complements the area with regard to matters such as building patterns, scale, materials and detailing.

16. As LP Policies D1 and D4 set out how Borough Councils should define an area's character and address matters such as delivering growth and good design, they are of limited direct relevance to this scheme. However, it would not conflict with their general approach.

Living conditions

17. According to the plans, the proposed extension would be set in 0.275 metre from the boundary with its attached neighbour at No 57. I observed on my visit that the nearest ground floor room at No 57 has a patio door with side windows close to that boundary. The outlook from that sitting room and the adjacent patio is primarily down that property's own garden, with views to the sides constrained by its own outrigger and by a timber fence on the boundary with No 59.

18. Only the upper section of the proposed extension's wall would be taller than the timber fence, and its roof would pitch away from that boundary. Whilst the extension would be slightly deeper and taller than considered acceptable by the SPD, given that context, along with its form and slight set in from the boundary, it would not have a significant overbearing impact on those adjacent occupiers.

19. For similar reasons, and given the extent of glazing in No 57's sitting room, on the basis of the evidence before me, the scheme would not cause those occupiers a significant loss of light. As No 57 lies to the south of No 59, the proposed extension would not have an overshadowing effect.

20. Consequently, on this issue, the scheme would not conflict with those parts of EDMP Policy 7B which require development to achieve a high standard of amenity for adjacent uses, with reference to matters such as visual impact, sunlight and daylight.

Other matters

21. Having regard to the Planning Practice Guidance, planning is concerned with land use in the public interest, such that the protection of purely private

interests, including the impact of a development on the value of neighbouring properties, is not a material consideration.

Conditions and Conclusion

22. 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. Additionally, in the interests of good design and the character of the area, I have imposed a matching materials condition.

23. The Council has also suggested a condition, in order to protect nearby occupiers' living conditions, requiring that no flat-roofed part of the dwelling be used to form a balcony or similar amenity area. However, having regard to the submitted evidence and plans, there is no indication that the proposed flat-roofed area, which would be small and constructed of fibreglass with a central roof light, would be used as such. That condition is therefore unnecessary.

24. Summing up, the scheme would preserve the character and appearance of the HHGECA, and it would not impact adjacent occupiers' living conditions to a harmful degree. Consequently, having regard to all other matters raised, including a representation by an interested party, the appeal is allowed.

Chris Couper

INSPECTOR