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# Appeal Decision

Site visit made on 22 February 2023

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 March 2023**

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**Appeal Ref: APP/A5270/D/22/3298367**

**26 Half Acre Road, Hanwell W7 3JJ**

- 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 Debra Harridge against the decision of London Borough of Ealing.
  - The application Ref 216930HH, dated 8 December 2021, was refused by notice dated 23 February 2022.
  - The development proposed is retrospective permission sought for retention of previously constructed raised platforms, boundary fencing, outbuilding and pergola.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. The application has been submitted retrospectively, and I saw that the development was on-site and appeared to be largely complete.
4. It was requested that I view the appeal site from 28 Half Acre Road, and I was able to do so at my visit.

## Main Issues

5. The main issues are the effect of the proposal on the:
  - Character and appearance of the host property, with due regard to the Churchfields Conservation Area; and
  - The living conditions of neighbouring residents with regards to privacy and outlook.

## Reasons

### *Character and Appearance*

6. The appeal site is part of a terrace of properties with long gardens sloping down to the River Brent. The site is within the Churchfields Conservation Area (CA), which is predominantly open land with the river running through it, and

the Wharncliffe Viaduct crossing the area. The appeal site is part of a sub-area identified as 'the residential enclave', which includes terraces from the late Victorian/Edwardian period, as well as other significant buildings and structures. The relationship between buildings and structures with the river and open space contributes to the importance of the CA as a designated heritage asset.

7. The appeal proposal consists of a number of elements, but the Council's reason for refusal on this matter refers specifically to the outbuilding and pergola.
8. The outbuilding is located towards the end of the extensive garden. It is constructed of timber and is of a utilitarian character. The CA Management Plan advises the use of timber for outbuildings, and recommends that they consist of a single modest size room. Although the outbuilding consists of 2 rooms, the smaller one is mainly for storage and I do not consider that this differs significantly from the advice of the CA Management Plan.
9. The building covers much of the width of the garden, and its height increases towards the rear due to the sloping topography. However, taken on its own terms, the outbuilding does not appear to be unduly large or incongruous given the size of the site, the separation from the main dwelling and the mixture of other outbuildings in this area of rear gardens.
10. However, the pergola is located above a raised deck to the rear of the outbuilding, and provides access to double doors on the rear elevation. This open structure appears as a contrived and overly prominent feature to the rear, particularly due to its height and projection above the fence line. When viewed in combination with the outbuilding, this results in an over-large and obtrusive feature in views along the gardens to the rear of the terraces, even given the extensive size of the gardens. It is also apparent in views from the open space across the river, although there is a significant degree of screening from intervening vegetation.
11. I saw that there are a mixture of outbuildings, structures and boundary treatments in the rear gardens. However, even within that context, the outbuilding and pergola taken together are of a scale and design which does not sit comfortably in this area.
12. I therefore conclude that the scale and design of the outbuilding and pergola viewed together will lead to significant harm to the character and appearance of the host property. The proposal will also fail to preserve or enhance the character and appearance of the CA. Although the harm to the CA will be less than substantial, there are no public benefits that will outweigh that harm. The proposal will therefore be contrary to the design, local character and heritage requirements of Policies HC1, D3 and D4 of the London Plan; Policy 1.2 of the Council's Development Strategy 2026; and Policies 7.4, 7B and 7C of the Council's Development Management Development Plan Document (the DMDPD).

### *Living Conditions*

13. The outbuilding extends across much of the width of the garden, albeit with a set-back from the boundary with No 28 to provide access along the side. The outbuilding will be apparent from both of the neighbouring properties of Nos 24 and 28. However, the building is set into the slope of the site which mitigates

its massing in views from neighbouring properties to a degree. Although the height will be apparent to the rear due to the sloping topography, I do not consider that this will be of a degree where the outbuilding will be oppressive in views from neighbouring properties.

14. The pergola is an open lightweight structure to the rear of the outbuilding. It is built above a raised deck, and I saw that this enables an intrusive degree of overlooking of neighbouring gardens. Attempts have been made to screen views of neighbouring gardens through planting, trellis and other screening, but I do not consider that this can be relied upon to effectively screen views from this raised open structure. Indeed, dense planting or other boundary treatment may have an oppressive effect on the outlook from neighbouring gardens, and the trellis screening also appeared to be a contrived feature which still enabled an intrusive degree of overlooking.
15. Due to the raised level of the decking and pergola, neighbouring residents will also be aware of activity on the decking, which will increase the perception of a loss of privacy.
16. The Council's officer report and comments raised by neighbours also refer to the height of screen fencing associated with raised decking. I saw that there are extents of raised fencing along the boundary which are of a height which has an oppressive and unduly enclosing impact on neighbouring gardens. The appellant states that they are willing to cooperate with the Council and neighbours to amend the fencing. However, I am not persuaded that this would be feasible without leading to further unacceptable overlooking from the raised decking.
17. I therefore conclude that the proposal will lead to significant harm to the living conditions of neighbouring residents due to an intrusive degree of overlooking to the detriment of privacy, and an oppressive and enclosing impact with commensurate harm to outlook. The proposal will therefore be contrary to the outlook, privacy and amenity requirements of Policies D3 and D6 of the London Plan; Policy 7B of the DMDPD; and the National Planning Policy Framework.
18. I find no conflict with Policies 1.1 of the Development Strategy and 7.4 of the DMDPD as these do not relate to matters of residential amenity. However, this does not negate my conclusions on this issue.

### **Other Matters**

19. I have had regard to the comments made in support of the proposal. However, these do not lead me to a different conclusion based on my own observations.
20. I am mindful of the wish of the appellant to improve the facilities at their property, including providing for working at home and for children. However, this private benefit will not outweigh the significant harm that I have identified.
21. Reference is also made to the ownership of fences along the boundary. However this is a private matter between the landowners and does not fall within the remit of this planning appeal.
22. I have been provided with details of an enforcement notice served in relation to the appeal site. However, this is separate to this appeal and is not a matter for me to consider.

**Conclusion**

23. For the reasons given above, I conclude that the appeal should be dismissed.

*David Cross*

INSPECTOR