



Appeal Decision

Site visit made on 1 March 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2023

Appeal Ref: APP/A5270/W/22/3305553

53 St Marys Avenue North, Ealing, Southall UB2 4LU

- 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 Bharat Singh against the decision of London Borough of Ealing.
 - The application Ref 221800FUL, dated 27 April 2022, was refused by notice dated 27 July 2022.
 - The development proposed is the demolition of the existing two storey detached dwellinghouse (Use Class C3) and the erection in its place of a new two storey detached residential property (Use Class C3) with habitable roof space and associated parking, refuse and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the:
 - The effects of the proposed development on the character and appearance of the area; and
 - Whether the living conditions of future occupiers of the proposed development would be acceptable, with particular reference to outlook and internal space.

Reasons

Character and appearance

3. The appeal site is one of eight link-detached homes located in a residential cul-de-sac. The street also contains a number of detached dwellings and, at the end of the cul-de-sac, several blocks of flats. The link-detached dwellings form four pairs of homes which are clustered around the curve of the road as it bends, with the appeal site situated on the inner corner of the bend, giving it particular prominence in the street scene. The link-detached elements appear to originally have been garages, although some have since been converted, including at the appeal site. Nevertheless, the remaining linked elements are predominantly single storey with pitched roofs.
4. While there is some variation between the link-detached homes with regards to their external design, the front elevations remain broadly similar, contributing positively and strongly to the character and appearance of the area, creating a pleasing rhythm of built development to this section of the street scene.

5. The proposed development would separate the appeal site from its current link-detached neighbour, in terms of both a physical gap as well as a change away from the mirrored design features. While the appeal scheme would be narrower than the existing and some other nearby properties, the current two-storey side extension is set back from the front building line, and with ridges below the height of the existing building's ridgeline. This makes it a subordinate addition to the host building that mitigates the visual impact of the width in a way that the proposed development would fail to do, as the full width of the principal elevation would align with the front building line. Its relatively large scale and mass would therefore be readily apparent, leading to the appeal proposal appearing as a significant, dominant and discordant feature in the street scene.
6. The appellant highlights that the width of the proposed development would be comparable to some of the other dwellings in the street. However, No.90 and No.59 St Marys Avenue North are detached dwellings which stand opposite each other at the entrance of the cul-de-sac, with each also neighbouring another detached dwelling. Similarly, No.70 is located at the very end of the row of houses, next to another detached home and facing on to the rear garden wall of the appeal site while No.78 is recessed back from the street scene. In contrast, the appeal scheme would sit next to and face the link detached dwellings which are of a smaller scale than the above detached properties, and its principal elevation would be seen in the context of the dwellings in its immediate vicinity, rather than the detached homes which have been designed into other sections of the street. It would therefore be seen as a discordant element in the street scene.
7. The front elevations of the dwellings which form the immediate context around the appeal site predominantly feature hipped roof forms. There are examples of gable roof features on dwellings along Tentelow Lane and on the recently rebuilt No.70. Although No.70 has a gable feature on the front elevation, this dwelling is located in a less prominent location, marking the end of the row of houses before the blocks of flats begin. In addition, No.70 is not one of the pairs of link-detached homes. In contrast, the proposed development would be viewed in the context of its immediate street scene, including the distinct pattern of paired, link-detached dwellings, for which hipped roofs are a consistent feature to the front elevation. The gable feature would therefore be an incongruous addition to this section of the street scene.
8. The appellant has drawn my attention to the flat roof rear dormers added to Nos. 90, 88 and 84. However, these are not prominent when viewed from the street scene and do not therefore provide justification for interrupting the current predominant pattern of hipped roofs in the appeal site's immediate vicinity. In addition, the presence of some properties with crown roofs on Tentelow Lane (Nos. 47-49) do not indicate that the appeal proposal would read as an acceptable feature within St Marys Avenue North.
9. The height of the proposed roof ridge of the scheme would only be modestly higher than neighbouring roofs, however the small difference would be exacerbated by the appeal site's prominent position and the scale of the overall scheme. Although the crown roof would not itself be visible from the street, the design would mean that the highest point of the dwelling extends across a significant section of the roofline. This would be visible in public views and

would further exacerbate the height difference of the proposal compared to neighbouring dwellings.

10. The corner plot position means that the rear projection would also be visible from the public realm, adding to the sense of bulk and mass created by the width and height of the building from the front elevation. Although there are variations in the rear building line, the appeal scheme would be especially visible from the public realm due to the site's prominent location. While sufficient garden space would be retained despite the additional projection of the scheme into the depth of the plot, this would not outweigh the harms identified above.
11. For the reasons above, I conclude that the proposed development would harm the character and appearance of the area. It therefore conflicts with Policies 7B and LV7.4 of the Development Management Development Plan Document 2013 and D1 and D4 of The London Plan 2021, which seek to ensure - amongst other matters - that new developments are of high-quality design which is appropriate for their setting.

Living conditions

12. The floor levels on the elevation plans would meet the Technical Housing Standards¹. However, the available evidence including the submitted plans indicate an internal floor to ceiling height on both ground and first floors of the proposed dwelling of approximately 2.4m, and lesser headroom in parts of the loft floor. Accordingly, the proposed development would not meet the requirements of Policy D6 of The London Plan 2021 in terms of a minimum floor to ceiling height of 2.5m for at least 75% of the Gross Internal Area.
13. Although the loft bedroom relies on rooflight windows, I consider these are sufficient in size and at an appropriate height to provide a reasonable outlook for future occupiers. However, neither this nor the sufficient room sizes and double/triple aspect nature of the proposed property outweigh the insufficient ceiling heights described above.
14. For the reason above, I conclude that the living conditions of future occupiers of the proposed development would not be acceptable with particular reference to internal space. Consequently, it conflicts with Policy D6 of The London Plan 2021 which seeks to ensure new development safeguards the living conditions of future occupants.

Other Matters

15. The proposed development would not impinge on any 45-degree views from No.55, nor have any concerns been raised with regard to enclosure or overshadowing. However, these matters are neutral, and do not outweigh the harms identified above.
16. The appellant has drawn to my attention to the fact that the appeal site is not located within a conservation area, an area of special landscape character or subject to an article 4 direction, so it is said that the locality therefore has no particularly strong character to preserve. It has been put to me that the appeal proposal would also provide an enhanced living environment. However, these

¹ Technical Housing Standards – Nationally described space standard, Published 27 March 2015

matters neither outweigh the harm I have identified nor the conflict with the development plan.

Conclusion

17. The proposal would conflict with the development plan taken as a whole, and there are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Thus, the appeal is dismissed.

J Wellstead

INSPECTOR