



Appeal Decision

Site visit made on 21 February 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2023

Appeal Ref: APP/A5270/W/22/3298927

66 Mattock Lane, West Ealing W13 9LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Ali against the Council of the London Borough of Ealing.
 - The application Ref 216468HH, is dated 5 November 2021.
 - The development proposed is described on the application form as, "single storey rear extension (following the demolition of the existing single storey rear extension) and part first floor extension".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal responds to the Council not having determined the application, there is no decision notice. Nonetheless, they have stated the application would have been recommended for approval, subject to conditions. The Council's reasons for this stance and the representations from all parties (including interested parties) have informed the main issues of the appeal.
3. The description of development given in the appeal form refers to the demolition of 2 outbuildings. This proposed demolition would not substantially alter the nature of the proposal, and I am satisfied that the parties' interests, including that of local residents, would not be prejudiced by the proposed demolition being considered in this appeal. Therefore, I have considered the proposed demolition of 2 outbuildings as part of this appeal.

Main Issues

4. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Ealing Green Conservation Area; and
 - the effect of the proposal on the living conditions of the occupiers of 65 and 67 Mattock Lane, with particular regard to light and outlook.

Reasons

Conservation Area

5. The appeal site comprises 66 Mattock Lane (No 66), a 2-storey semi-detached Victorian-era house situated on a narrow plot amongst a row of 3 pairs of

similarly-designed houses (6 in total), known collectively as Dean Villas, in a predominantly residential area. No 66 has an existing single-storey rear extension. No 66 benefits from an extant planning permission¹ for a ground floor extension which is of a similar design to the ground floor element of the appeal proposal.

6. The site is within the Ealing Green Conservation Area (conservation area). The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. I have had regard to the extracts provided from the Ealing Green Conservation Area Character Appraisal (2008) and have had regard to the Ealing Green Conservation Area Management Plan (2008). The significance of the conservation area, as a whole, as a designated heritage asset is derived predominantly from its varied architectural heritage, encompassing numerous buildings of historical and architectural interest, including groups of houses which exhibit a coherent architectural language.
8. I consider that No 66 positively contributes to the significance of the conservation area primarily by No 66 having essentially retrained much of its historic cottage character, consequently forming an important part of the row of 6 semi-detached cottages which share a common architectural identity arising from their handsome appearance and well-preserved Victorian period of construction.
9. Whilst the proposed single storey rear extension would be sizable, it would not extend significantly further beyond the existing ground floor extension. The proposed part first floor extension would be both set-in from the boundary with 65 Mattock Lane (No 65) and set-back from the edge of the proposed single storey rear extension. As such, when considered as a whole, the proposal would not introduce a significant change to the existing building in terms of its bulk, scale, and massing. Additionally, the proposed part first floor extension would use materials and would have an eaves height and roof forms which would all be in-keeping with the existing building. As a result the proposal would accord with the guidance given in Residential Extensions (SPD4) (adopted 2004) that a rear extension should fit in with the original dwelling in terms of design.
10. Nonetheless, No 66 cannot be considered in isolation of its immediate context and in this regard the proposed part first floor extension would be the only rear extension of its kind at first floor level amongst the row of 6 houses. Accordingly, in visual terms it would have a noticeably anomalous appearance in the row and it would disrupt the simple cottage form of No 66 at first floor level which each house in the row shares.
11. As a stand-alone feature at first floor level amongst the row of houses, this element of the proposal would undermine the coherent architectural rhythm which the houses share and which contributes to the visual harmony exhibited by the row as a whole.

¹ Ref: 215414HH

12. Whilst the proposal would not be visible from Mattock Lane and views of the row of 6 houses are somewhat restricted from Loveday Road, I observed that the upper portions of the houses which are visible from Loveday Road are more than adequate to provide a satisfactory appreciation of the historic charm and coherent architectural language which the houses exhibit. The proposed part first floor extension would also likely be visible from the rear gardens of several of the houses in the row. The fact that the row of 6 houses differs in style from the nearby properties on Loveday Road, including those outside the conservation area, serves to highlight their unique qualities which the proposal would undermine.
13. Taking all of the above into account, rather than appearing as a conventional Victorian closet wing, the proposal would undermine the architectural integrity of No 66 in its context, meaning that the contribution that the row of 6 houses makes to the significance of the conservation area would be unduly compromised.
14. I note that each of the 6 houses in the row have been extended, including a 2-storey side extension and a single-storey rear extension at No 65. However, these extensions comprise ground floor and side extensions and so are not directly comparable with the appeal proposal. Although other extensions have been referred to², including those at first floor level within the conservation area, it has not been demonstrated that any of those houses form part of a set of houses with a common architectural identity, in contrast to No 66, which limits their relevance to the specific circumstances involved in this appeal. The demolition of 2 outbuildings, as proposed, would not alleviate the harm found above. As such, none of these matters changes my findings on this main issue.
15. Although the harm that would be caused to the significance of the conservation area as a designated heritage asset would be localised and accordingly would be less than substantial, but still important, this harm must be weighed against the public benefits of the proposal. In this regard, the proposal would provide enhanced and enlarged living space at first floor level, including an upstairs bathroom. However, as these would mainly comprise private benefits they only attract limited weight.
16. The National Planning Policy Framework (the Framework) makes clear that great weight needs to be given to designated heritage assets' conservation. Given the limited weight accorded to all the benefits of the proposal, I find that they do not amount to public benefits which outweigh the harm that would be caused to the significance of the conservation area.
17. I therefore find that the proposal would not preserve or enhance the character or appearance of the conservation area. It would conflict with part B a) of Policy 7C of the Ealing Development Management Development Plan Document (adopted 2013) (DPD) which provides that, amongst other things, development within conservation areas should retain and enhance characteristic features and detailing and avoid the introduction of design and materials that undermine the significance of the conservation area.
18. The proposal would conflict with part C of Policy HC1 of The London Plan (published 2021) which provides that, amongst other things, development

² 64 C&D Mattock Lane; Flat 1, Lavington House, Lavington Road; 7 Broomfield Place; 1 Broomfield Place; 3 Somerset Road.

proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The proposal would also fail to conserve or enhance the historic environment, as required by chapter 16 of the Framework.

Living Conditions

19. The proposed part first floor extension would be well set-in from the boundary with No 65, and would be set-back from the proposed single storey rear extension. Thus, whilst the proposed part first floor extension would introduce a distinct and clearly-identifiable new element to No 66, it would not, of itself, have a significant massing. Furthermore, it would be separated from the common boundary with 67 Mattock Lane (No 67) by the side pathway and wall which exists between No 66 and No 67.
20. As such, I consider that the proposal's reducing effect on daylight to No 65 and No 67 would likely be minimal. Considering the orientation of the row of 6 houses, any loss of sunlight towards No 65 and its rear garden would be negligible, and any loss of sunlight towards No 67 and its rear garden would be restricted to the late afternoon and evening. Considering this, and the limited massing of the proposed part first floor extension, referred to above, which would match the existing building in terms of its eaves height, any loss of sunlight to No 67 and its garden would not likely be extensive.
21. Therefore, taking account of the presence of the side windows at ground floor level at No 67 facing towards No 66, I consider that the proposal would not harm the living conditions of the occupiers of No 65 and No 67 with respect to daylight and sunlight.
22. Similarly, whilst I have had regard to the extract referred to from the 2020 Update Addendum for Ealing Green Conservation Area, considering the limited massing of the proposed part first floor extension and the separation distances that would result between the proposed part first floor extension and No 65 and No 67 and their gardens, including a generous set-in from the boundary with No 65, I consider that the proposal would not result in any harm with respect to the outlook from those houses or their gardens, nor would a harmful perception of enclosure result. For these reasons, the proposal would comply with the extracts from SPD4 referred to by interested parties in all these respects covered under this main issue.
23. I therefore find that the proposal would have an acceptable effect on the living conditions of the occupiers of 65 and 67 Mattock Lane, with particular regard to light and outlook. In relation to this main issue, the proposal would comply with part A b) and part A e) of Policy 7B of the DPD which provides that, amongst other things, new development must achieve a high standard of amenity for users and for adjacent uses by ensuring good levels of daylight and sunlight and ensuring appropriate levels of development on site.
24. The proposal would comply with paragraph 130 f) of the Framework which provides that, amongst other things, planning decisions should ensure that developments create places with a high standard of amenity for existing and future users.

Other Matters

25. I note that the proposal has evolved through a number of previous applications. However, in terms of the planning merits of the proposal, this is a neutral matter, which does not weigh in favour of it. Given the relatively small scale of the proposal in its wider context, and that the proposed extensions would not be likely to be viewed in conjunction with St John's Church from public viewpoints due to their proposed siting to the rear of No 66, I consider that the proposal would not affect the setting or significance of St John's Church (a Grade II listed building). This is also a neutral matter, as is the lack of harm identified on the second main issue, above, in relation to the living conditions of the occupiers of 65 and 67 Mattock Lane.
26. I consider that there is a real prospect that, in the event that this appeal is dismissed, the extant planning permission³ would be implemented. Nevertheless, as this extant permission does not incorporate a first floor extension, is it not directly comparable with the appeal proposal and as such has been given limited weight in favour of it as a fall-back position.
27. As mentioned on the first main issue, above, the proposal would provide enhanced and enlarged living space at first floor level, including an upstairs bathroom, which would likely improve the living conditions of the appellant and his family, and also any future occupiers of No 66. Whilst the proposal would optimise the capacity of the site, which is a matter highlighted in Policy D3 of The London Plan, given my findings on the first main issue, I consider that the proposal would not enhance architectural features that contribute towards local character in the terms of part D 11) of Policy D3, meaning that Policy D3 when read as a whole provides limited support for the proposal.
28. I have found on the first main issue that the proposal would not preserve or enhance the character or appearance of the conservation area. The Framework provides at paragraph 189 that, amongst other things, heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations, and accordingly I give substantial weight to this harm.
29. The collective benefits of the proposal attract no more than moderate weight in favour of it, and therefore as a matter of planning judgement I find that all the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harms identified, nor the conflict with the development plan identified.

Conclusion

30. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

³ Ref: 215414HH