



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: 28 April 2023

Appeal Ref: APP/A5270/W/22/3300530

7 The Ridings, Ealing, London W5 3BT

- 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 A Baker against the decision of the Council of the London Borough of Ealing.
 - The application Ref 217116FUL, dated 12 December 2021, was refused by notice dated 10 March 2022.
 - The development proposed is described on the application form as, "Proposed new single family dwellinghouse following demolition of the existing garage".
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant submitted a drawing extract omitting the proposed first floor rear balcony. As this drawing extract does not substantially alter the nature of the proposal, I am satisfied that the parties' interests, including those of the occupiers of 1 Dallas Road, would not be prejudiced by the drawing extract being considered in this appeal. Therefore, I have considered the drawing extract as part of this appeal.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of the Hanger Hill (Haymill) Estate Conservation Area, including with respect to trees in the conservation area; and
 - the effect of the proposal on the living conditions of the occupiers of 1 Dallas Road and 7 The Ridings, with particular regard to privacy and light.

Reasons

Conservation Area

4. The appeal site comprises 7 The Ridings (No 7), which is a 3-storey detached dwelling. Also on site is a 2-car garage and the private amenity areas serving No 7.
5. The site is within the Hanger Hill (Haymill) Estate 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.

6. The significance of the conservation area, as a whole, as a designated heritage asset is derived predominantly from its detached dwellings which commonly are fairly large in scale and which are sited on generous plots with the dwellings often being of a high quality design, including those with clearly-identifiable architectural stylings, such as Modern Movement houses. The site contributes to the significance of the conservation area primarily by the presence of No 7, which is a locally listed property which exhibits stylistic features associated with the Modern Movement.
7. The proposal for a new dwelling, which I am informed has been designed by RIBA Certified Architects, is not without merit when considered strictly in isolation of its broader context, as it would not be significantly taller than the existing garage on site. It would also have an appropriate set-back which would respect the dominant building line, and the existing separation distances from No 7 and 1 Dallas Road (No 1) would be maintained.
8. However, the proposal is not for a garage, but rather for a new 2-storey dwelling. As such, it would be read in the street scene as a dwelling. In this regard, due to its partially sunken design and its overall width and height the proposed new dwelling would appear noticeably 'squat' sat amongst the series of far larger scale dwellings along Dallas Road. Consequently, although it would not appear as a visually overly-dominant feature in the street scene, it would appear markedly out-of-keeping with nearby dwellings in terms of its overall scale and massing.
9. As it would undermine the coherent pattern of development in the vicinity in these respects, the proposal would not be sympathetic in its context and towards the host building and other neighbouring buildings, as required by point 6) of paragraph 4.1 of the Hanger Hill (Haymill) Estate Conservation Area Management Plan (Management Plan).
10. Moreover, although the proposed new dwelling would incorporate some design cues of the Modern Movement including those displayed by No 7, the proposal would still lack several particularly notable features characteristic of Modern Movement houses, as highlighted by the Hanger Hill (Haymills Estate) Conservation Area Panel. These features include horizontal articulation, an entrance on the front elevation, and a second floor sunroom. As it would clearly lack authenticity in these respects, the proposal would not meet the high quality standards detailed in point 6) of paragraph 4.1 of the Management Plan.
11. Taking all of the above into account, whilst the proposal would remove the dilapidated garage on site, the proposal would unduly undermine the positive contribution that the Modern Movement architectural stylings of No 7 currently makes to the appearance of the conservation area, and it would not preserve the character or appearance of the local area. Harm to the significance of the conservation area as a designated heritage asset would thereby result.

12. I have had regard to the allowed planning appeal at 8 Chatsworth Road, Ealing¹. This appeal related to alterations and a roof extension to an existing converted garage, rather than to a new family-sized dwelling as proposed in this appeal. As such, whilst I note the comparisons which the appellant has drawn between that appeal scheme and the proposal before me, fundamentally the allowed planning appeal at 8 Chatsworth Road related to a materially different type of development, and as converted garages are (generally-speaking) not perceived in the street scene as comprising independent dwellings, it is not directly comparable with the appeal proposal, and it does not change my findings.
13. According to the submitted BS 5837:2012 Tree Survey, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan² only 3 trees would be removed as part of the proposal. Two of these trees are currently not visible from public vantage points. The third tree proposed to be removed, a tall Leyland Cypress, is obscured by No 7 from several angles in public viewpoints. Considering the number of prominent street trees in the vicinity of the site, the removal of this Leyland Cypress would have a minimal impact on the street scene.
14. Whilst the Council has referred to an existing Willow tree said to be classed under a Tree Preservation Order³, its exact location has not been specified, and it was not identified via the Tree Survey mentioned above. In the circumstances I can only conclude that the proposal would not affect such a tree. It follows from the above that the proposal would not result in any harm to the character and appearance of the site and the surrounding area by way of loss of trees alone, and no conflict with the Council's development plan policies or The London Plan (published 2021) would occur in these respects. Nevertheless, this consideration does not alter the harm that the other aspects of the proposal would cause to the character and appearance of the conservation area, as identified above.
15. As the harm to the character and appearance of the conservation area identified above would be localised, the proposal would cause less than substantial harm to the significance of the conservation area as a designated heritage asset, but nevertheless this harm is of considerable importance and weight. The National Planning Policy Framework (the Framework) advises that such harm should be weighed against the public benefits of the proposal. In this regard, the proposal would provide one family-sized dwelling which would contribute to the housing stock in the area.
16. The Framework makes clear that great weight needs to be given to designated heritage assets' conservation. Due to the limited quantum of development involved in this appeal I give limited weight to all the public benefits of the proposal and 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 c) and e) of part D of Policy 7.4 of the Ealing Development Management Development Plan Document (adopted 2013) (DPD) which provides that, amongst other things,

¹ APP/A5270/D/19/3221804

² Usherwood Arboriculture (12 May 2022)

³ TPO/2008/0534

development in Ealing's existing built areas should complement their scale and detailing.

18. In relation to this main issue, the proposal would conflict with a) of part A 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 high quality architecture. It would conflict with a) of part B of Policy 7C of the DPD which provides that, amongst other things, development within or affecting the setting of 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.
19. The proposal would conflict with part C of Policy HC1 of The London Plan which provides that, amongst other things, development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings, and with chapter 16 of the Framework which seeks to conserve and enhance the historic environment.
20. Although the Council made reference to Policy D1 of The London Plan, that policy relates to area assessments and the preparation of development plans and accordingly it is not directly relevant to this main issue. Similarly, Policy D4 of The London Plan refers mainly to the methods by which design is analysed, scrutinised, and maintained, and is also not directly relevant to this main issue. Nevertheless, the above-mentioned policies are more than sufficient for me to come to a view on this main issue.

Living Conditions

21. No 1 and its rear garden area adjoins the appeal site. Upon completion of the proposed development, No 7 and its rear garden area would adjoin the grounds of the new dwelling on the other side. As mentioned in paragraph 2, above, the proposed first floor rear balcony has been omitted from the scheme. Accordingly, this aspect of the proposal would not give rise to any loss of privacy with respect to the living conditions of the occupiers of No 1 and No 7.
22. The proposed new dwelling would not rise significantly above the polycarbonate glazed covered alleyway at No 1. As such, although it would be positioned close to that alleyway, its reducing effect on daylight would likely be limited. Similarly, given the orientation of the proposed new dwelling, any loss of sunlight would be restricted mostly to the morning and the afternoon periods. Considering this, and the height of the proposed new dwelling, any loss of sunlight would not be significant. Accordingly, the ground floor kitchen window on the side elevation of No 1 would continue to receive a similar amount of light as it currently does. Thus, the proposal would not harm the living conditions of the occupiers of No 1 with respect to daylight and sunlight.
23. I therefore find that the proposal would have an acceptable effect on the living conditions of the occupiers of No 1 and No 7, with particular regard to privacy and light. In relation to this main issue, the proposal would comply with b) and c) part A 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 good levels of privacy.

24. The proposal would comply with part D of Policy D6 of The London Plan which provides that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context, whilst avoiding overheating, minimising overshadowing and maximising the usability of outside amenity space. The proposal would also 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. The finding on the second main issue, above, that the proposal would have an acceptable effect on the living conditions of the occupiers of No 1 and No 7 is a neutral matter, which does not weigh in favour of the proposal.
26. The proposal would contribute to the Government's objective of significantly boosting the supply of homes, by way of providing one new family-sized dwelling in an established residential area. However, given the quantum of development involved, this contribution would be limited. Reference has been made to a replacement tree strategy, with the aim of ensuring a net biodiversity gain for the site, but few details have been provided to illustrate the potential amount of net biodiversity gain contemplated in this regard.
27. The matters advanced in support of the proposal, as summarised above, would be in compliance with some of the Council's development plan policies and policies in The London Plan and the Framework. Nevertheless, I am mindful that 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, and accordingly as a matter of planning judgement I find that the matters advanced in support of the proposal would not, either individually or collectively, outweigh the harm that I have identified to the character and appearance of the conservation area. Therefore, the overall conflict with the development plan would remain.

Conclusion

28. 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