



Appeal Decision

Site visit made on 16 May 2023

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: June 1, 2023

Appeal Ref: APP/A5270/D/23/3319280
362 Uxbridge Road, Ealing, Acton W3 9SL

- 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 Natalie Manukyan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 224974HH, dated 25 November 2022, was refused by notice dated 18 January 2023.
 - The development proposed is described as an outbuilding and associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of the proposal in my banner from the application form, although I note that on the appeal form it is described as a 'single storey detached rear garden outbuilding for use as home studio/office ancillary to main dwellinghouse (following removal of existing shed)'.
3. The Council's decision notice states that the application is refused, but does not include any reason(s). However, I have adopted the same logical approach as the appellant in concluding that the Council's delegated report contains its reasons for refusal. I have framed the main issues in this appeal having regard to them.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the host property and the area, including whether it would preserve or enhance the character or appearance of the Creffield Conservation Area; and
 - the living conditions of neighbouring occupiers, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of development affecting conservation areas,

special attention shall be paid to the desirability of preserving or enhancing their character or appearance. The National Planning Policy Framework ('Framework') sets out that harm to the significance of a designated heritage asset, such as a conservation area, should require clear and convincing justification.

6. Policy HC1 of the London Plan 2021 ('LP'), Policy 7C of the Ealing Development Management Development Plan Document 2013 ('EDMP'), and Policies 1.1 and 1.2 of the Ealing Development Strategy 2026 (2012) ('EDS') require proposals to care for the borough's historic character, conserve the significance of heritage assets, retain elements which make a positive contribution to conservation areas and to avoid design which undermines their significance. They are therefore broadly consistent with the approach in the Framework.
7. The host comprises a substantial, semi-detached house, which is set back on the northern side of Uxbridge Road, within the Creffield Conservation Area ('CCA'). I observed that the buildings here are varied in form, style and appearance, but display decorative architectural features typical of their era. In contrast to their busy frontage, the houses along this stretch of Uxbridge Road have a rear outlook over large gardens. Those gardens typically contain trees and landscaping, and generally small scale domestic structures such as sheds, thus providing the principal buildings with a fairly open, sylvan, tranquil setting which contributes to the CCA's significance.
8. The Creffield Conservation Area Management Plan ('CCAMP') advises that garden buildings should be small-scale and discretely sited, comprising a single modest-sized room, and that timber is the most appropriate material to blend in with the landscape.
9. Based on the submitted drawings, the proposed outbuilding would be 6.5 metres deep and 3 metres high to the top of its flat roof. At 9.5 metres wide it would also span most of the garden's width, leaving only a narrow gap to the boundary fences. It would thus have a significant scale and bulk, which would be much greater than the shed it would replace, and it would significantly harm the appearance of the host's garden. Notwithstanding its location away from public vantage points, given its bulk and its rendered finish, the scheme would not readily assimilate into its surroundings. It would be clearly visible from nearby properties, from where it would jar with the area's generally much more open, landscaped character.
10. Consequently, the scheme would fail to preserve or enhance the character and appearance of the CCA, contrary to LP Policy HC1, EDMP Policy 7C, EDS Policies 1.1 and 1.2, and the CCAMP.
11. As LP Policy D4 describes how Borough Councils should address good design, and LP Policy D6 sets out housing quality standards, they are of little relevance to the main issues in this appeal. However, on this issue, the scheme would also conflict with the requirements in EDMP Policies 7.4 and 7B, and LP Policy D3, for high quality design, which responds to or enhances its local context, and respects visual character, with regard to matters such as building patterns, layout, appearance and scale.
12. Given its context, it would also fail to accord with the advice at Part 8.0 of the Council's Residential Extensions Supplementary Planning Document No 4

(‘SPD’) that outbuildings should not detract from the character of an area due to overdominance or obtrusiveness.

13. The harm to this designated heritage asset is a matter to which I attribute great weight. However, as the harm caused to it would be ‘less than substantial’, in accordance with the Framework, I am required to weigh it against the public benefits of the proposal.
14. In the Design, Access and Heritage Statement the proposed outbuilding is described as accommodation for relatives. In its favour, the proposal would thus provide the existing, and any future, occupants with additional habitable space and improved living conditions. However, those benefits would be largely private, relating to the enjoyment of the house by its occupants, and are not sufficient to outweigh the harm that I have identified.
15. Having paid special attention to the desirability of preserving or enhancing the character or appearance of the CCA, and given great weight to its conservation, in the absence of clear and convincing justification for harm to it, I conclude that as well as conflicting with the development plan, the scheme would conflict with the Framework.

Living conditions

16. In common with the host, the neighbouring properties at 360 and 364 Uxbridge Road have fairly long, landscaped rear gardens, which are broadly free of significant built development. Given the context, those residents may reasonably expect a good level of privacy and amenity in their rear gardens, and a landscaped outlook.
17. Notwithstanding the presence of boundary fences, given the outbuilding’s siting so close to the edges of the plot, along with its 3 metre height and its depth, it would loom over a significant portion of the end of the adjacent properties’ rear gardens, to the detriment of those occupiers’ outlook.
18. Additionally, the drawings show its internal configuration would include a kitchenette/office/living space, studio and a bedroom – all with side-facing windows virtually abutting the boundary. I therefore share the concerns expressed by the Creffield Area Residents’ Association that the proposed use as ancillary accommodation would harm residential amenity more generally, particularly, in my view, as a result of noise and overlooking. That, in an area immediately adjacent to nearby properties’ rear gardens, where those occupiers may reasonably expect a greater degree of peace and privacy.
19. Thus, the scheme would impact the adjacent occupiers’ living conditions to a harmful degree, and it would conflict with those parts of LP Policy D3 and EDMP Policy 7B which require development to deliver appropriate outlook, privacy and amenity. It would also fail to accord with the SPD’s advice that outbuildings should not adversely affect neighbours’ living conditions.

Other matters

20. The host property benefits from a Lawful Development Certificate for a single storey detached garden outbuilding for use as storage (Ref: 194576CPL). Compared to the scheme before me, that structure would also be located towards the end of the host’s rear garden, but it would be lower, less deep and slightly less wide; it would not contain side-facing windows; and it would be

used as a storage room incidental to the enjoyment of the dwellinghouse, rather than as ancillary accommodation.

21. I have no cogent reason to doubt that there is a real prospect that that fallback would be implemented should this appeal be dismissed. However, for the above reasons, it is materially different from the scheme before me, and its impact would be significantly less harmful. Consequently, it has little bearing on the outcome of this appeal.

Conclusion

22. I have found that the scheme would significantly harm the character and appearance of the host property and the CCA, and that its limited public benefits would not outweigh the harm that it would cause. Additionally, it would harmfully affect the living conditions of adjacent occupiers.
23. The scheme would conflict with the development plan when considered as a whole and, having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR