



Appeal Decision

Site visit made on 10 October 2023

by Stewart Glassar BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23.10.2023

Appeal Ref: APP/A5270/D/23/3324365

4 Chatsworth Road, Ealing W5 3DB

- 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 Raj Gupta against the decision of the Council of the London Borough of Ealing.
 - The application Ref 230740HH, dated 23 February 2023, was refused by notice dated 3 May 2023.
 - The development proposed is described as 'First floor side extension over current garage and 2nd floor roof extension'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Some parts of the proposal have previously been granted planning permission and to which no new concerns are raised by the Council. Their main concern in relation to the current scheme is the enlargement of the building's second floor. I have therefore primarily focussed my decision on this element of the scheme.

Main Issue

3. The main issue is whether or not the proposed development preserves or enhances the character or the appearance of the Hanger Hill (Haymills Estate) Conservation Area.

Reasons

4. The appeal site comprises a substantial detached dwelling. The main accommodation is provided over two full storeys and has a second floor 'sunroom' very clearly to one side of the building and with a significantly smaller footprint than the floors below it. The site is within the Hanger Hill (Haymills Estate) Conservation Area (HHHECA), which is a designated heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The HHHECA is primarily a residential area dating from the interwar period. Its significance is derived from the dwellings themselves, which are generally fairly large in scale and are sited on generous plots. Dwellings are often of a high quality design, including those with clearly-identifiable architectural stylings, such as Modern Movement houses. Indeed, the appeal property exhibits

- stylistic features associated with the type 1 Modern Movement houses found in the HHHECA.
6. The Hanger Hill (Haymills) Estate Conservation Area Management Plan 2008 (CMP) is also of particular relevance to this appeal. It identifies the roofscape as an important element of the character of the conservation area. It notes that extensions which disrupt the character of the architecture are becoming problematic and harming the HHHECA.
 7. From my site visit I saw that the position of the appeal building on the corner of Dallas Road and Chatsworth Road, together with its size, ensure that it makes a significant contribution to the streetscene. In particular, the second floor of the appeal property, as well as being a stylistic feature of the house and others in the conservation area, helps to off-set the width and horizontal emphasis of the building. The second floor element is therefore a key design feature which makes a significant contribution to the character and appearance of the property as well as the streetscene as a whole.
 8. Whilst the first floor extension over the existing garage will add some additional bulk and horizontal emphasis to the building, this would be a somewhat discreet element, related to the size of the garage and set back from the main façade. In contrast, the second floor extension would result in a much greater proportion of the first floor being built over than is common for type 1 Modern Movement houses in the HHHECA. Furthermore, even though it would be set in from the edges of the building, and use matching materials, the enlarged 'sunroom' would not relate well in terms of its proportions to the stepped layout or front façade of the principal part of the house. All of this would be clearly discernible, most notably when viewed from Chatsworth Road and to the north of the site.
 9. I therefore find that the enlarged second floor 'sunroom' would harm an important feature of the building's architectural integrity and the contribution that it makes to the qualities of the Conservation Area. For all these reasons, the development fails to preserve the character and appearance of the Hanger Hill (Haymills Estate) Conservation Area.
 10. This would amount to 'less than substantial harm' as set out in paragraph 202 of the National Planning Policy Framework 2023. However, this assessment of harm still amounts to a significant objection. It is therefore necessary for me to weigh this harm against the public benefits of the proposal as required by the Framework. Other than a temporary economic boost during construction there are no further public benefits to be weighed in favour of the scheme. This would not be sufficient to outweigh the harm to the heritage asset.
 11. Accordingly, the scheme conflicts with Policies D3, D4 and HC1 of the London Plan (2021) and Policies 7B, 7.4 and 7C of the Ealing Development Plan Document (2013), which collectively and amongst other matters seek to deliver high quality development which protects the character of the Conservation Area and safeguards against the loss of design features which contribute to the significance of that area.
 12. For similar reasons the proposal would also be contrary to the Ealing Housing Design Guidance (2022) and the CMP.

Other Matters

13. I have been referred to No. 99 Hanger Lane, which has a much larger second floor extension than proposed by the appellants. I saw this building as part of my site visit. The Council indicates that this extension was approved under a different policy context. Be that as it may, to my mind, what this demonstrates is that larger, top floor extensions can undermine the architectural integrity of a building; and this is precisely what the CMP is seeking to prevent. Accordingly, the extension to this nearby building does not lead me to allowing the appeal.
14. The appellant has suggested that a reduced extension to the second floor could be considered as part of this appeal, were I to find the proposal unacceptable. However, I am unable to accept such an amendment as part of this appeal. Government guidance is clear that the appeal process should not be used to evolve a scheme and that it is important that what is considered by the Inspector at appeal is essentially the same as that considered by the Council and interested parties at the application stage.

Conclusion

15. For the reasons given, having considered the development plan as a whole, the requirements of the Act and the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Stewart Glassar

INSPECTOR