



Appeal Decision

Site visit made on 6 November 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st December 2023

Appeal Ref: APP/A5270/W/23/3324179

75A The Grove, Ealing W5 5LL

- 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 Ian Prowse against the decision of the Council of the London Borough of Ealing.
 - The application Ref 225307FUL, dated 20 December 2022, was refused by notice dated 22 February 2023.
 - The development proposed is the front roof profile change. By creating one larger dormer from 2 mini dormer.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Ealing Town Centre Conservation Area (CA).

Reasons

3. The appeal site is located to one side of The Grove within a row of properties. The site is located within the Residential Enclave sub-area of the CA. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The special architectural interest of the CA is derived from its character which exhibits late Victorian middle class suburban development. The buildings within the locality typify this character, despite the variety in style and modern alterations.
4. The host property consists of a three-storey building within a commercial parade, including residential accommodation in the upper floors. The roofs of the parade are characterised by narrow dormer windows, primarily finished with pitched roofs that broadly align with the first floor windows. Although the dormers may be modern additions, their style and narrow width nonetheless contribute positively to the character of the parade, particularly those with pitched roofs.
5. The development would result in one larger flat roof dormer replacing the existing pair of pitched roof dormers. The wider dormer would break the pleasant rhythm of the narrow dormers that are evident within the parade. The box-like appearance of the proposed dormer would jar with the predominantly pitched roof finishes of the dormers in the street scene, and would result in harm to the significance of the CA.

6. The harm to the significance of the CA would be less than substantial and must therefore be weighed against the public benefits of the scheme, in accordance with paragraph 202 of the Framework. The proposal would improve the internal layout of the room through the increase in ceiling height to create a more usable space. However, there are no public benefits, as required by the Framework, that would outweigh the harm identified.
7. I note that the proposal includes a rooflight in addition to the dormer. The Council does not raise concerns with this element of the proposal, and I see no reason to disagree.
8. I conclude that the scheme fails to preserve or enhance the character or appearance of the CA. The proposal therefore conflicts with Policy 1.1 of the Development Strategy 2026, Policies 7.4, 7B and 7C of the Development Management Development Plan Document, Policies D3, D4, D6 and HC1 of the London Plan and the Framework, which collectively require development to respond to local distinctiveness and conserve the significance of designated heritage assets.

Other Matters

9. The proposal would provide improved internal space through the increase in ceiling height. However, this is largely a private benefit and I give limited weight to this matter.
10. I have had regard to concerns raised by the appellant about the way that the Council handled the application, including the Officer's identification of the site and the uploading of documents. These issues are procedural points, which are not relevant to my consideration of the case before me.
11. I acknowledge that pre-application advice was sought from the Council. Although pre-application advice is a useful tool to enable an early understanding of the likely site constraints of a proposal, this is not a guarantee of planning permission at a later date. Moreover, this does not affect the material planning considerations of the case. I have considered the proposal on its own merits.
12. The appellant questions whether the Article 4 direction is necessary or justified. However, it is not my role in the context of a s78 appeal to reach a finding on this. The effect of the direction is to require an application for planning permission and my determination of the appeal is made in this context. I have considered the proposal on its planning merits.

Conclusion

13. The proposal would not accord with the development plan as a whole. There are no material considerations, which would indicate that a decision should be made otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal is dismissed.

J Pearce

INSPECTOR