



Appeal Decision

Site visit made on 13 November 2023

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 December 2023

Appeal Ref: APP/A5270/W/23/3323345

11 Woodville Road, Ealing W5 2SE

- 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 Ms Aysegul Olcar-Chamberlin against the decision of the Council of the London Borough of Ealing.
 - The application Ref 222227FUL, dated 19 May 2022, was refused by notice dated 2 December 2022.
 - The development proposed is demolition and re-build of ground floor (flat) extension, excavation and provision of basement level flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form which accurately describes the proposal. I have determined the appeal on the basis of the scheme and the plans which were before the Council when it made its decision, which includes plan reference 350-PROP-02 REV.A.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area, bearing in mind that it would be within the Mount Park Conservation Area (MPCA);
 - living conditions of existing and future occupiers, with regard to outlook, open space and floor to ceiling height; and
 - living conditions of neighbouring occupiers at 13 Woodville Road, with regard to outlook.

Reasons

Character and appearance

4. The appeal site accommodates a generously proportioned detached period property within a residential area. There are a number of extensions and alterations to the rear of properties on Woodville Road, however despite some differences in appearance, the detached properties are in general harmony with each other, a characteristic feature of the area.
5. The site falls within the MPCA. From my observations, the significance of the conservation area, insofar as is relevant to this case, is primarily derived from

its historic fabric that demonstrates the evolution of the residential area and the associated architectural detailing within the townscape. The appeal site exhibits the defining qualities of surrounding properties and therefore contributes positively to the MPCA.

6. The MPCA Management Plan (2009) identifies that the proliferation of unsightly and over-scale rear extensions is detrimental to the historic environment of the MPCA. The management plan advises that while there is often scope to extend a house at the rear it is important to make sure that extensions are in keeping with the main house and its neighbours since it may be possible to see the back of the house from neighbouring gardens.
7. The proposed development would be at the rear of the property and would be finished in materials to match the existing property. Nevertheless, the proposed extension would be almost the full width of the property and of considerable depth, resulting in a disproportionately large extension. By increasing the coverage of built structures at the site, the proposed development would not be subordinate to the original property's footprint or relate positively to its original shape. Despite the proposal's single storey height, owing to the depth and width, the scheme would be a dominant development. Thus, through its architectural incongruity, the proposal would harm the character, appearance and significance of the MPCA.
8. I acknowledge that the neighbouring property at 9 Woodville Road has been significantly altered and extended, including to the rear. However, while of a similar depth, the single storey rear extension at the neighbouring property is not as wide as the appeal scheme. As such, this development has not undermined the character and appearance of the area in the way that the appeal scheme would.
9. Overall, the proposal would fail to preserve or enhance the character or appearance of the MPCA and would harm its significance as a whole. The harm that I have identified is 'less than substantial' harm. The National Planning Policy Framework (the Framework) requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification.
10. Nevertheless, the Framework also requires such harm to be weighed against any public benefits. There would be a modest benefit arising from the provision of an additional dwelling in an accessible location and the appellant suggests that the standard of accommodation of the existing ground floor flat would be improved. However, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.
11. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the MPCA and harming its significance. The scheme is therefore in conflict with Policies D1, D3, D4 and HC1 of the London Plan (2021) (LP) and Policies 7.4, 7B, 7C and 7D of the Development Management Development Plan Document (2013) (DMDPD). These policies, amongst other things, require development to be of the most appropriate form, responding to a site's context and capacity for growth, including complementing the existing building pattern. Development should also deliver good design and is required to conserve the significance of heritage assets,

retaining characteristic features that have been identified as contributing positively to conservation areas.

12. The proposal would also be contrary to the heritage protection policies of the Framework at Section 16, and the provisions at Section 12 in relation to achieving well designed places.

Living conditions

Existing occupiers – outlook

13. While there is an existing timber fence opposite the living room doors of the ground floor front flat, the proposal would introduce a taller brick wall in a similar location. Despite being single storey, the increase in height would create an overbearing effect and narrow the outlook from this room, looking as it would at a brick wall at relatively close range.

Existing and future occupiers – open space

14. The proposed extension would take up a large proportion of the existing communal open space. While it may be that the occupiers of the upper floor flats do not have access to the garden and irrespective of the precise amount of open space provided, the proposal would reduce the size of the communal garden area and owing to the presence of the existing outbuilding at the rear boundary, would result in a relatively narrow strip of garden. This would undermine the function and usability of the communal open space for the future occupiers and for the existing occupiers who have access to it.
15. I acknowledge that an existing area of open space would remain for the occupiers of the ground floor front flat. However, even if private gardens can typically be subject to some overlooking, this area would have limited privacy, owing to clear views into the space from a number of windows associated with two of the other flats. As such, this would not be an inviting open space, and the proposal would diminish the usability of the open space.
16. I note the proposal is a short distance from a local park and public open space, however, it has not been shown how these would be a suitable substitute for the external space required by policy or provide the same function.

Future occupiers of the proposed new flat – ceiling height

17. The appellant's submissions include a sectional drawing showing the floor to ceiling height to be the required 2.5 metres within the proposed extension. A planning condition identifying the approved plans for clarity could be imposed were the appeal to be allowed to secure the required floor to ceiling height to ensure the living conditions of the future occupiers would not be negatively affected. As such, the proposal accords with the minimum floor to ceiling height required by the development plan set out in Policy D6 of the LP.

Conclusion on main issue

18. While I have found the living conditions of the future occupiers to be acceptable with regard to floor to ceiling height, the living conditions of the existing and future occupiers, with regard to outlook and open space would be unduly harmed, in conflict with Policies D1, D3, D4 and D6 of the LP and Policies 7.4, 7B and 7D of the DMDPD. These policies include a requirement for development to respond to a site's context and capacity for growth and deliver

good design that achieves a high standard of amenity for users and maximises the usability of outside amenity space.

19. It would also be contrary to the Framework which at Section 12 seeks places that have a high standard of amenity for existing and future users.

Neighbouring occupiers

20. The proposal would be single storey with a flat roof design. Despite being of an extensive depth and bringing development up to the shared boundary with 13 Woodville Road, the proposal would not be readily discernible above the tall boundary treatment to such an extent that the development would significantly affect the neighbouring occupiers outlook from their garden or from the nearest windows.
21. Accordingly, the proposal would not be unacceptably harmful to the living conditions of the occupiers of 13 Woodville Road, with regard to outlook, and accords with Policies D1, D3 and D4 of the LP and Policy 7B of the DMDPD. Amongst other things these policies require development to respond to a site's context and deliver good design that achieves a high standard of amenity for users.
22. The Council also allege a conflict with Policy 7A of the DMDPD. However, this policy primarily relates to emissions that may erode amenity, and my attention has not been drawn to any words in this policy that are relevant to this main issue. The policy has not therefore been determinative in my decision.

Other Matters

23. The effect of the proposal on the living conditions of future occupiers, with regard to daylight/sunlight is not a main issue. Therefore, policy compliance on this matter would be a neutral factor. While the appellant has expressed frustrations with the Council's handling of the case, this does not alter or outweigh my findings which are based on the planning merits of this case.

Conclusion

24. While the proposal would achieve suitable floor to ceiling height for the future occupiers and would not be unduly harmful to the living conditions of neighbouring occupiers with regard to outlook, my above findings in relation to character and appearance and living conditions for future and existing occupiers with regard to outlook and open space bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR