
Appeal Decision

Site visit made on 13 March 2024

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/A5270/D/23/3335586

9 Woodville Gardens, Ealing, London W5 2LG

- 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 Jianchao Wu against the decision of the Council of the London Borough of Ealing.
 - The application Ref 231653HH, dated 28 April 2023, was refused by notice dated 2 October 2023.
 - The development proposed is the erection of a single storey rear extension, addition of roof light to the main roof, addition and adjustment of windows to the rear elevation of the outrigger erection, enlargement of front vehicular gate and additional pedestrian access and removal of small tree to the rear garden.
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Decision

1. The appeal is dismissed insofar as it relates to the erection of a single storey rear extension, addition of roof light to the main roof, addition and adjustment of windows to the rear elevation of the outrigger erection and removal of small tree to the rear garden. The appeal is allowed insofar as it relates to the enlargement of a front vehicular gate and an additional pedestrian access and planning permission is granted for the enlargement of a front vehicular gate and the creation of an additional pedestrian access at 9 Woodville Gardens, Ealing, London W5 2LG in accordance with the terms of the application, Ref 231653HH, dated 28 April 2023, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. So far as they are relevant to the development hereby permitted, the development shall be carried out in accordance with the following approved plans: ADD-115-FP-001-Rev 02B and ADD-115-FP-006-Rev 02B.
 3. The materials to be used in the construction of the front boundary wall and gates of the development hereby permitted shall match those used in the wall.

Procedural Matter

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a detached 2-storey dwelling with accommodation within the roofspace. The property is situated within the Ealing Cricket Ground Conservation Area where there is a statutory duty to preserve or enhance the character or appearance of the area. This duty is echoed in Policy 7C of Ealing's Development Management Development Plan Document (DPD) and Policy HC1 of the London Plan (LP).
5. An assessment of the heritage significance of the area is included in the *Ealing Cricket Ground Conservation Area Character Appraisal*. The Conservation Area includes the cricket ground and detached dwellings dating from the late 19th /early 20th century. These dwellings are set back a similar distance from the roads to the rear of front gardens which are landscaped and used for off-street parking. These front gardens are generally enclosed by low red brick walls. The dwellings are sited on similar sized plots with spacious rear gardens. Although there are variations in design, their Arts and Crafts architectural style, choice of external materials, heights and scale of the dwellings are similar.
6. Part of the proposed development includes the enlargement of the front vehicular gate and the creation of an additional pedestrian access. The Council has not objected to these elements of the appeal scheme and based upon the site visit, there are no reasons to adopt a different assessment. The existing low brick wall would be altered but this would not detract from the character and appearance of the streetscene of the Conservation Area. The indicated design, materials and appearance of the front boundary treatment would be similar to others within the Conservation Area.
7. The form, design and materials of the property are similar to 5 other dwellings which front this part of Woodville Gardens. In addition to their distinctive front gables, porches and balconies, these dwellings have 2-storey outriggers which contribute positively to the rhythm of the rear elevations when viewed from the gardens and, to a limited degree, Westbury Road. Although single storey extensions have infilled the original side gardens at Nos. 11 and 12, these extensions do not project any further rearwards than their outriggers.
8. The proposed development includes the erection of an extension which would be sited to the side and rear of the property's outrigger. By reason of siting, scale and wrap-around form, the proposed extension would fail to respect the rhythm of the rear elevations of this group of dwellings and would visually dominate the rear outrigger of the host property thereby causing unacceptable harm to its character and appearance. The loss of the rear bay window caused by the erection of the proposed extension adds to this harm but would not alone be a reason for this appeal to fail.
9. The proposed extension would conflict with DMD Policy 7C and LP Policy HC1 and also DPD Policy 7.4 where developments should complement the scale and building pattern of the surrounding area. Further, this element of the appeal scheme would not follow the guidance contained in the *Ealing Cricket Ground*

Conservation Area Management Plan concerning avoiding over-scale rear extensions and also the *Generic Management Plan for Conservation Areas* where extensions that wrap around the side and rear of buildings are discouraged.

10. For the reasons given, the proposed rear extension would fail to preserve the character and appearance of this part of the Conservation Area. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, the Framework identifies that this harm should be weighed against the public benefits of the proposal. In the case of the proposed extension the appellant has not identified any public benefits with the only benefit being related to the increase in the property's habitable accommodation.
11. The appellant has identified other dwellings where rear extensions have been erected, including at No. 11 which was observed during the site visit and is of a different design. However, the full planning circumstances of these other extensions have not been provided to determine whether they are of direct relevance to the appeal scheme. Accordingly, these other schemes have been given only limited weight in the determination of this appeal and the proposed rear extension has been assessed on its own circumstances.
12. There are 2 distinct elements of the proposed development and consideration has been given to the potential for a split decision to be issued. For such a decision to be issued the relevant parts of the appeal scheme must clearly be physically and functionally independent. In this case, the proposed rear extension and related works are clearly severable, and both physically and functionally independent, from the proposed enlargement of the front vehicular gate and creation of an additional pedestrian access. There exists, therefore, the potential to issue a split decision in this case.
13. Accordingly, it is concluded that the erection of the proposed rear extension, together with related specified works, would cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would conflict with the requirements of DPD Policies 7C and 7.4 and LP Policy HC1. Conversely, it is concluded that the proposed enlargement of the front vehicular gate and creation of an additional pedestrian access would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with the requirements of DPD Policies 7C and 7.4 and LP Policy HC1.
14. LP Policy D3 is more particularly directed at optimising site capacity through a design-led approach rather than being a detailed development management policy for householder extensions and alterations to front boundary walls. Very limited weight is given to Policy DDA of the emerging Ealing Local Plan because it has yet to be the subject of examination.

Conditions

15. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For reasons of clarity, a condition is necessary to secure the enlargement of the front vehicular gate and the creation of an additional pedestrian access in accordance with the approved drawings. To assist with the assimilation of the alterations to the front boundary wall into the

streetscene a condition is necessary for the external materials to match those of the existing wall.

16. Accordingly, the appeal is dismissed insofar as it relates to the erection of a single storey rear extension, addition of roof light to the main roof, addition and adjustment of windows to the rear elevation of the outrigger erection and the removal of a small tree to the rear garden. The appeal is allowed insofar as it relates to the enlargement of a front vehicular gate and the creation of an additional pedestrian access.

D J Barnes

INSPECTOR