



Appeal Decision

Site visit made on 26 March 2024

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH April 2024

Appeal Ref: APP/A5270/W/23/3330850

89 The Broadway, Southall, Ealing UB1 1LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Santokh Chhokar of Kadett Properties Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 230879FUL.
 - The development proposed is mansard roof extension, forming part second floor level and rear first floor extension, for use as three self contained flats above existing ground floor retail unit; associated access, refuse and cycle storage - Resubmission.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the proposal description from the appeal form and decision notice, as they more accurately reflect the nature of the development.
3. Since the Council issued its decision notice, the National Planning Policy Framework (the Framework) has been revised, with the latest version published on 19 December and updated on 20 December 2023. I have consulted both main parties on the latest version of the Framework and taken any comments received into consideration when making my decision.

Main Issues

4. The effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal relates to a two-storey, end of terrace property, which has retail units on the ground floor and residential accommodation above. The appeal property has a two storey rear outrigger, which is set in from the side boundary and a single storey rear projection, which adjoins the pavement and rear accessway. The appeal property occupies a prominent corner plot within a shopping parade. Buildings in the locality typically range from one to three storeys in height. There are a variety of architectural styles and periods in the area and a mix of roof forms, including traditional pitched roofs and flat roofs. Mansard roofs and dormer windows are also present within the street scene.
6. This section of the terrace has a uniformed pitched roof, which is set back behind a parapet wall. The appeal property also has a hipped roof. Further

along the terrace, the uniformity of the terrace alters and there is a change in external materials and the height of the parapet wall increases. The property at the other end of this terrace has a mansard roof; however, the Council advises that this does not have planning permission. The roof of the appeal property is currently not a prominent feature in the street scene and appears subordinate to the host building and this section of the terrace.

7. The proposed roof extension would be set in from the edges of the building and have sloping sides, with a flat roof. The proposed mansard style roof, with new front and side dormers would add considerable bulk and massing to the roof. It would also extend above the ridge of the existing two storey rear outrigger. Consequently, the proposed roof extension would fail to appear subordinate to the host property and would be unduly prominent in the street scene. The proposed roof extension would also harmfully disrupt the simple roof form of the host property and this section of the terrace.
8. The proposed first floor rear extension would be sited above the existing ground floor rear projection. While the proposed fenestration and materials would respect the host property, the proposal would result in a significant two storey rear projection that would appear out of proportion with the host property. While I appreciate that the property has an existing two storey rear outrigger, this is set in from the side boundary and appears subordinate to the host property. I acknowledge that the adjoining properties within the terrace have two storey rear projections of a similar depth. However, I am advised by the Council that these are unauthorised and subject to enforcement action. I therefore give them very limited weight in my decision.
9. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document December 2013 and Policies D1, D3 and D4 of The London Plan March 2021. These policies among other things require that development in Ealing's existing built areas should complement their street sequence, building pattern, scale and detailing, respond positively to local distinctiveness and be of high quality design. The proposal would also conflict with the Framework, which seeks to achieve well-designed places.
10. The Council's reason for refusal alleges conflict with the Ealing Design Guidance B Report, November 2022. However, it is not clear from the evidence before me where this conflict arises. As I have found conflict with the development plan, I have not considered this guidance further.

Other Matters

11. I acknowledge that the Framework supports opportunities to use the airspace above existing residential and commercial premises for new homes. The Framework also seeks to make effective use of land and acknowledges the importance of small and medium sized sites in meeting the housing requirement of an area. There is also limited evidence before me to suggest that such works would be permitted development. I therefore give these arguments limited weight in my decision.
12. There is limited evidence before me to suggest that the Council cannot demonstrate a five year supply of deliverable housing. Nevertheless, the social

and economic benefits of providing a net gain of 2 new dwellings would not outweigh the harm that I have identified above.

13. The appellant has drawn my attention to planning applications that have been approved in the borough for mansard roofs. A number of the other schemes before me relate to different areas of the borough, where the context is materially different. I noted on my site visit that the examples further along the road, relate to a different terrace where a number of the buildings already have roof extensions. The roof form of the other terrace is far less consistent in design and as a result, the context is materially different. Consequently, I give the other examples limited weight in my decision.

Conclusion

14. For the reasons given above, the proposal would conflict with the development plan as a whole and there are no material considerations, including the Framework, which would outweigh that conflict. Therefore, the appeal is dismissed.

A James

INSPECTOR