



Appeal Decision

Site visit made on 28 May 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th June 2024

Appeal Ref: APP/A5270/D/24/3339305

60 South Parade, Chiswick, Ealing W4 5LH

- 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 Caroline and Brendan O'Reilly against the decision of the Council of the London Borough of Ealing.
 - The application Ref 232406HH, dated 14 June 2023, was refused by notice dated 30 November 2023.
 - The development proposed is the demolition of the existing garage and the construction of a single storey rear extension, a new first floor window, a loft conversion with an extension to the rear, a small dormer window to side roof slope and a partial basement excavation to provide additional living accommodation.
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Decision

1. The appeal is dismissed in so far as it relates to the construction of a single storey rear extension, a loft conversion with an extension to the rear, a small dormer window to side roof slope and a partial basement excavation. The appeal is allowed and planning permission is granted in so far as it relates to the demolition of the existing garage and the installation of a new first floor window at 60 South Parade, Chiswick, Ealing W4 5LH in accordance with the terms of the application, Ref 232406HH, dated 14 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans in so far as they relate to the approved development: ZZ_P_E_0750; 1020; 1110; 1120 and 2200.
 - 3) The materials to be used in the construction of the window hereby permitted shall match those used for the existing windows.

Procedural Matter

2. During the Council's consideration of the planning application amended side and rear elevation drawings¹ were submitted showing changes to the rear dormer. However, the plans and section² before me show the originally proposed configuration at roof level. In these circumstances I have no

¹ Drawings ZZ_P_E_2100_B and ZZ_P_E_2200_B

² ZZ_P_E_1110; ZZ_P_E_1120; ZZ_P_E_3000

alternative other than to base my assessment on the drawings lodged when the planning application was originally submitted.

Main Issues

3. The main issues are:

- (i) the effects of the proposal on the character and appearance of the host building and whether it preserves or enhances the character or appearance of the Acton Green Conservation Area (CA); and
- (ii) whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding.

Reasons

Character and appearance

- 4. The appeal property is a 2-storey semi-detached house that is located next to the junction between South Parade and St Albans Avenue and has a long flank boundary facing the latter. It forms part of a group of 6 semi-detached houses with prominent gables and bay windows that make a positive contribution to South Parade and the character and appearance of the CA.
- 5. The proposal would include the addition of dormers in the rear and side roof slopes to enable the provision of 2 bedrooms and a bathroom within the roof space. The rear dormer would have a flat roof and occupy a large proportion of the main part of the hipped roof. Due to its size, siting and boxy form it would be a very prominent and incongruous element in views looking along St Albans Avenue which would result in unacceptable harm to the appearance of the appeal property and the street scene. By contrast, the far smaller pitched roof dormer in the side slope would be a relatively inconsequential addition that would respect the character of the property's roof form.
- 6. The proposal would also include a single-storey extension that would wrap around part of the side and most of the rear of the house. The properties in St Albans Avenue to the rear of the appeal site have a regular front building line with small, relatively verdant front gardens that make a positive contribution to the street scene. The side elevation of the appeal property is similarly set back from the back edge of the pavement. The only built element that extends forward of the building line is the low and discrete garage at the rear of the appeal property. By contrast the proposed ground floor addition would be close to, and significantly taller than, the existing boundary fence facing St Albans Avenue. Due to its siting, height and design this addition would also be an overly prominent and incongruous element in the street scene.
- 7. For these reasons I conclude that the rear dormer and single-storey extension would have an unacceptable effect on the appearance of the host property and would fail to preserve, and result in substantial harm to, the character and appearance of the CA. These aspects of the proposal fail to accord with Policies 7.4, 7B and 7D of the Ealing Development Management Development Plan Document (2013) which, amongst other matters, require good design which pays regard to local character and complements the scale of development in the area. There is also conflict with the heritage and design aims of the London Plan (2021) and the National Planning Policy Framework (2023).

8. The proposal would also include the demolition of the garage, excavation below the house to form a basement together with the provision of a small lightwell at the front of the house and the installation of an additional first floor window in the flank elevation of the house. I am satisfied that these aspects of the proposal would not harm the appearance of the appeal property and would preserve the appearance of the CA. Consequently, these proposed works accord with the aforementioned policies.
9. Whilst I have concluded that the small dormer in the side slope of the appeal property would be acceptable, this element is not entirely physically and functionally severable from the overall loft conversion/extension works. This aspect of the proposal cannot therefore be allowed as part of a split decision.

Flood risk

10. The Council's third reason for refusal relates to the appellant's failure to demonstrate at the application stage that the proposal is appropriate in respect of flood risk. A Flood Risk Assessment (FRA) has been appended to the appellants' Grounds of Appeal. However, as this is a Householder Appeal I am required to assess the proposal against the information submitted with the planning application. Taking into account the appellants' FRA would be contrary to natural justice as the Council, and third parties, would not be afforded an opportunity to comment on this additional technical information.
11. On this matter I must therefore conclude that compliance with national planning policy on flood risk has not been demonstrated and the proposal therefore conflicts with DPD Policy 5.12, London Plan Policy SI 12 and paragraph 164 of the Framework.

Conditions

12. I have considered the conditions suggested by the Council having regard to the Framework and Planning Practice Guidance. In addition to the standard time limit condition, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed. To safeguard the character and appearance of the host property and the CA materials used for the new window are required to match existing windows.

Conclusion

13. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail in respect of the single storey rear extension, loft conversion and related dormers and basement excavation and should succeed in respect of the demolition of the garage and the installation of an additional first floor window in the flank elevation.

S Poole

INSPECTOR