



Appeal Decision

Site visit made on 20 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2024

Appeal Ref: APP/A5270/D/24/3340250

191 Conway Crescent, Perivale, Ealing UB6 8JE

- 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 Mohammad Bassam Tablieh against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234219HH.
 - The development is described as a 'full width second storey rear extension that extends above an existing single storey rear extension'.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear extension at 191 Conway Crescent, Perivale, Ealing UB6 8JE in accordance with the terms of the application, Ref 234219HH, 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: AL22/191CC/01, AL22/191CC/02, AL22/191CC/03, AL22/191CC/04, AL22/191CC/05, AL22/191CC/06 (dated 05/12/23), AL22/191CC/07 (dated 05/12/23) and AL22/191CC/08 (dated 05/12/23).
 - 3) The materials to be used in the construction of the external surfaces of the development shall match those used in the existing building.

Procedural Matters

2. I have taken the description of the proposal in my banner above from the application form. However, the proposed rear extension was amended during its consideration by the Council to reduce its width, and it is that amended scheme that I have considered in this appeal. In my formal decision I have therefore used the more accurate description of the proposal which is taken from the appeal form and from the Council's decision.
3. At application stage the Council also requested drawings depicting an existing outbuilding within the host property's garden which it maintains was not constructed in accordance with a Lawful Development Certificate for a proposed development (Ref: 192972CPL), along with an existing outdoor store on the boundary with 189 Conway Crescent ('No 189'), and a freestanding canopy.

4. On my visit, I observed no evidence of the freestanding canopy, which the appellant states is temporary and moveable. The outbuilding also had a large lantern on its roof, which is not depicted on drawing no. AL22/191CC/09, which the appellant submitted in response to the Council's request. Additionally, although I observed a store on the boundary with No. 189, I have not been provided with elevations of that structure.
5. Moreover, the description of the development as set out on the site notice and the letters that were sent to local residents and other parties at application and appeal stage refer only to a first floor rear extension. They make no reference to the retention of existing structures within the garden. Consequently, were I to consider those garden structures as part of the appeal, I cannot be certain that all those who may have wished to comment on them have had an appropriate opportunity to do so. For his part, the appellant also maintains that the canopy would not constitute development, and that unauthorized structures on the site should be dealt with separately on their own merits.
6. For all these reasons, despite the Council refusing the application on the basis of the impact of the garden structures on the character and appearance of the area, and on the living conditions at No 189, I have not considered those structures as part of this appeal. That matter therefore falls to be resolved separately between the principal parties.
7. Turning to the host dwelling itself, I observed that it has had a hip to gable extension and a large rear dormer, neither of which are depicted on the existing or proposed drawings. However, the officer's report for application Ref: 234219HH notes that the property benefits from a Lawful Development Certificate for a Proposed Development for an alteration of the roof from a hip to a gable end, a rear roof extension incorporating a Juliet balcony, and the installation of rooflights (Ref: 202060CPL). I understand that planning permission has also been granted for the alteration of the host's hip to a gable (Ref: 223932FUL).
8. I have therefore dealt with the appeal on the basis of a proposed first floor rear extension which would attach to the existing development.

Main Issue

9. The main issue is the effect of the proposed first floor rear extension on the character and appearance of the host property and the area.

Reasons

10. The Council's decision notice does not allege that the proposed first floor rear extension would cause any harm. Its officer report states that it is acceptable in principle in itself, but that, cumulatively, with the unauthorised additions to the property within the rear garden, it would constitute overdevelopment of the site, which would collectively harm the character and appearance of the area.
11. However, for the reasons above, I have not considered the garden structures as part of this appeal. Additionally, whilst it appears that the host dwelling may have been extended at roof level since the Council's decision, given that applications Ref: 202060CPL and 223932FUL are referred to in its officer report for the application subject to this appeal, it would have been aware of those proposals at the time of its decision.

12. The proposed first floor rear extension, considered cumulatively with the existing alterations to the host dwelling, gives it a rather complex form and a not insignificant bulk. However, I observed on my visit that many nearby properties along this stretch of Conway Crescent have been extended to the rear at ground floor and at roof level; and that their rear elevations are thus much more eclectic in form and appearance compared to their front faces. Additionally, this proposed extension would be faced in matching render and tiles, which would help to integrate it with the host, and assimilate it into its surroundings.
13. For those reasons, the proposed first floor rear extension would not harmfully affect the character and appearance of the host property or the area; and it would not therefore conflict with Policies D3 and D4 of the London Plan 2021 ('LP'), or Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013. Amongst other things, and in broad terms, these require good design, which has a positive visual impact, responds to existing character and local distinctiveness, and complements the area having regard to matters such as scale, materials and detailing.
14. Neither would it conflict with the National Planning Policy Framework 2023 ('Framework') requirement for high quality design, which is sympathetic to the surrounding built environment. As LP Policy D6 refers to space standards and living conditions, it is of little, if any, relevance on this issue.
15. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. As well as the standard time limit, in the interests of certainty, a condition is necessary requiring the development to be carried out in accordance with the approved plans. Finally, in the interests of good design, I have imposed a matching materials condition.
16. For these reasons, and having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR