



Appeal Decision

Site visit made on 14 May 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2024

Appeal Ref: APP/A5270/W/23/3329461

Golf View House, Perivale Lane, Perivale, Ealing UB6 8TW

- 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 Ben Bencheikh against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 225385FUL.
 - The development proposed is demolition of the existing dwelling and the redevelopment of the site to provide 7no. residential units with associated landscaping works, refuse storage, car and bicycle storage and alterations to vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of Newlands and Imtarfa with regards to overlooking.

Reasons

Character and appearance

3. Golf View House is a two-storey house with roof-level accommodation. It sits in a wide plot but is similar in length to other houses. The immediate street scene is predominately characterised by two and two-and-a-half-storey houses. The wider character and appearance of Perivale Lane is varied and includes some blocks of flats. This is in common with the area context identified by the Inspector in the Brenvilla decision¹.
4. The appeal site forms part of a row of houses that have a mixed architectural appearance. Whilst there is some variation in the size of the houses' footprint, the development pattern generally consists of elongated plots with houses sitting in a more central position within the plot which allows for a deep frontage and long rear garden. Because of where the appeal site sits in between two houses, it has little connection with the nearby blocks of flats.
5. Some of the houses are built close to the side boundaries at ground floor level, with wider gaps between the boundaries at first floor level. This creates a sense of

¹ Appeal Ref: APP/A5270/W/20/3258079

- spaciousness between the houses. The houses also share some commonality in their scale, which together with the spacing, gives a broad consistency in size and positively contributes to the character and appearance of the area.
6. Due to its depth, the proposed building would have a very large footprint, spanning most of the width of the plot, and would occupy a substantial proportion of the site. Even though this would leave some space at the rear of the building, the plot to footprint ratio would be contrary to the pattern of development. The building would have a continuous width at both the ground floor and first floor levels with a small gap between the side boundaries. The first floor spacing between the existing house and its neighbours on either side would be reduced which would erode the spaciousness.
 7. The proposed footprint, width and closeness to the side boundaries, would combine to form a building of substantial bulk and mass. Although the building would be no taller than the neighbouring house, because of its overall scale, it would visually dominate the appeal site.
 8. The windows of the existing house are similar to the neighbours in terms of proportions, materiality and colour of frame. This unifies the row. The proposed window design of long, vertical frames would contrast starkly with the more horizontal orientation of windows commonly found in this stretch of the road. This could not be addressed by planning condition as it would require the design of the building to be considerably altered which is typically beyond the scope of a planning condition.
 9. Notwithstanding the attempts to break down the massing of the building by containing the second floor accommodation in the roof, the window proportions at second floor level would be similar to those on the lower floors. This would further highlight the building's apparent scale, accentuating and amplifying its proportions, giving the perception of a sizeable building. This would not be successfully resolved by the incorporation of the dual-pitched roof and proposed materials.
 10. There is some variation in the front building line of the row of houses and their angle towards the road. Whilst the proposed building would be set back from the road, it would extend further forward than the neighbouring houses. Because of its size, the proposed building would stand noticeably forward and would therefore be unduly prominent in this immediate context.
 11. For these reasons, I conclude that the proposal would cause harm to the character and appearance of the area. It would therefore conflict with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document 2013 (the DPD), Policy D3 of the London Plan 2021 (the LP) and the National Planning Policy Framework (the Framework). Amongst other things, these policies seek development that is of a high quality that complements the scale of the area and is sympathetic to local character. Irrespective of that the appeal site is not within a conservation area, I give significant weight to this conflict.

Living conditions of the occupants of Newlands and Imtarfa

12. The nearest properties neighbouring the appeal site are Newlands and Imtarfa. Given the built-up context, some overlooking is a common characteristic of the relationship between these properties and the appeal site.
13. The analysis of the overlooking to the neighbouring properties from the existing first floor windows of the house and the overlooking from the first floor rear balconies of

the proposed building demonstrates that, although there would be views from the balconies into these rear gardens, the extent of overlooking would be reduced. Because of the site relationship, there would also be some views into the neighbouring rear gardens from the proposed second-floor balconies.

14. The use of balconies for amenity purposes, would be very different to how the existing rear elevation windows are used. The proposed balcony screening would be too short to prevent views into the rear gardens. However, any undue overlooking could be mitigated by increasing the height of the screening to restrict views into the rear gardens and protect privacy. Should the appeal succeed, in line with the Framework, this issue could be resolved and made acceptable by planning condition.
15. I therefore conclude that subject to conditions, the proposal would not cause adverse harm to the living conditions of the occupants of Newlands and Imtarfa with regards to overlooking. It would comply with Policy 7B of the DPD which amongst other things, requires new development to achieve a high standard of amenity for adjacent uses by ensuring good levels of privacy.
16. The reason for refusal also refers to Policy D6 of the LP. However, this policy does not refer to overlooking and is therefore not determinative in the context of this main issue.

Other Matters

17. Under permitted development a rear extension to a depth of 8m could be built. There is limited evidence before me to suggest that the existing house does not benefit from permitted development rights. There is therefore a greater than theoretical possibility that this development could take place. Whilst this would result in a large footprint, it would not change the width and depth of the first floor of the existing house. Subsequently, the proposal would result in a bigger development causing greater harm to the character and appearance of the area. This therefore limits the weight I give to this as a fall-back position and it would not outweigh the harm identified.
18. Regarding the other Council decisions, the permission for a two storey side extension at the appeal site has lapsed². Whilst this would have increased one side of the existing house, its overall scale would still be smaller than that of the proposed building. This previous approval does therefore not strongly support the proposed development. The development approved at The Beeches³ and Bresby⁴ relates to extensions and are different to the proposal which is for the erection of a new building. These approvals do not weigh in support of the proposal.
19. The Greenside House⁵ case also relates to a scheme for flats. Whilst this development can be seen in some parts of Perivale Lane, the building is located between a petrol station and a mixed-use parade. The context is therefore different to the appeal site.
20. Turning to the other appeal decisions, in the Brenvilla case the Inspector was satisfied that the scale, bulk and massing would not be significant. I am not party to the evidence which was before the Inspector, nor have I been provided with copies of the proposed plans. In common with this Inspector, I have undertaken a

² Council Ref: P/2015/6482

³ Council Ref: 200926HH

⁴ Council Ref: 184508FUL

⁵ Council Ref: 194353FUL

planning balance. However, given the differences between the schemes, the balance between harm and benefits is not directly comparable to the scheme before me.

21. Both the 64 Clovelly Road⁶ and 33 Creffield Road⁷ cases related to the conversion of existing buildings with added extensions which is different to the appeal scheme. In the 64 Clovelly Road case, the Inspector found no harm to the character and appearance of the area. In the 33 Creffield Road case, the harm identified was because of the proposed bin store and front roof lights. The issues, and therefore the planning balance undertaken, are not directly comparable to those in the appeal scheme.
22. In common with the cases at Brenvilla and 33 Creffield Road, I have weighed the benefits of the proposal against the harm, which I shall return to.
23. The Greenside House development and other appeal decisions do not weigh in favour of allowing the appeal because of their differences. Nevertheless, each proposal should be judged on its individual merits, and I have come to my own view regarding the development.

Planning Balance and Conclusion

24. Although I have found that the proposal would not cause adverse harm to the living conditions of the occupants of Newlands and Imtarfa, the proposal would harm the character and appearance of the area. It therefore conflicts with the development plan taken as a whole. I apportion significant weight to this conflict and the associated harm.
25. The Council raised no objection on heritage, trees and environmental health grounds and was satisfied that the size of the flats, the amenity space provision, refuse arrangements and parking spaces would comply with the relevant standards. However, compliance with relevant national and local planning policies on these matters would be required in any case and therefore these matters do not weigh in favour of the proposal.
26. The proposal would provide 6 additional homes in a sustainable location, some of which could be occupied by families. This would support the government's objective of significantly boosting the supply of homes. As this is a small site, it could also be delivered quickly. There would also be some social and economic benefits arising from the construction phase and future occupants would bring trade to nearby shops and services.
27. Taken together, these are moderate benefits given the quantum of development under consideration. Therefore, they would not outweigh the significant harm I have identified including the conflict with the development plan.
28. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid

INSPECTOR

⁶ Appeal Ref: APP/A5270/W/22/3305443

⁷ Appeal Ref: APP/A5270/W/22/3291128