



Appeal Decision

Site visit made on 6 August 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2024

Appeal Ref: APP/A5270/W/24/3337275

10 Olive Road, Ealing, London W5 4JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Mingyu Zhao against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234519VAR.
 - The application sought planning permission for the construction of an end of two-storey terrace dwellinghouse without complying with a condition attached to planning permission Ref 22416FUL, dated 18 January 2023.
 - The condition in dispute is No 2 which states that: The development hereby approved shall be carried out in accordance with the following drawings: P-01: Existing ground floor; P-02: proposed ground floor; P-03: Existing first floor; P-04: Proposed first floor; P-05: Existing second floor; P-06: Proposed second floor; P-07: Existing elevations; P-08: Proposed elevations; P-09: Existing and proposed roof plans; Design and Access Statement; Location Plan; S-02: Bicycle and bins proposed site plan; S-01: Existing Site plan.
 - The reason given for the condition is: For the avoidance of doubt, and in the interests of proper planning.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission was granted for the construction of a two-storey dwelling house. This appeal seeks permission to alter the design of the approved house through the addition of a rear dormer window and three rooflights by seeking the removal of the condition and replacement with a condition specifying the plans that reflect the amendments. The description of the development remains unchanged.
3. At my site visit I observed that the approved dwelling approved has been constructed. However, the development as built, does not entirely reflect the development shown on the approved plans. Nevertheless, I have considered the appeal on the basis of the submitted 'Proposed Plans'.
4. Therefore, the main issue of the appeal is the effect of the amended design on the character and appearance of the area.

Reasons

5. The appeal site, 10 Olive Road (No.10) is a two-storey, end terrace dwelling, located close to the junction with Durham Road and Hawthorn Gardens. As outlined above, a new dwelling has been constructed on a triangular parcel of land adjacent to No.10 and is now known as 10a Olive Road (No.10a). The surrounding area is predominantly residential with a mix of two-storey houses, mostly two-storey terraced properties.
6. Approval is being sought to vary condition no.2 to enable the addition of a rear dormer window and three rooflights to the approved dwelling. The proposal would involve the alteration of the hipped roof to incorporate a box dormer on the rear slope. The Council has not raised any specific concerns in relation to the installation of the rooflights and based on the evidence before me I see no reason to disagree. I have therefore considered the appeal on this basis.
7. Policy 7.4 of the Ealing Development Management Development Plan Document, adopted December 2013 (DMDPD) states that development in Ealing's existing built areas should complement the street sequence, building pattern, scale, materials, and detailing.
8. The proposed roof extension would be located to the rear of the approved dwelling and would extend most of the width of this part of the roof slope, altering its hipped roof form, which is visible in the surrounding area. Therefore, by virtue of its siting and scale, I find that the proposed dormer would result in an awkward roof form, particularly in this context where the approved dwelling follows the triangular shape of the site and has an angular, hipped roof.
9. I acknowledge that No.10 already has a rear roof extension, and the proposed dormer would be of a similar design, although smaller in scale. However, it would nevertheless comprise a bulky addition to the rear elevation roof slope of this newly constructed dwelling. Furthermore, the proposed roof extension would, in combination with the existing dormer to No.10, elongate the roof extension to such a degree that it would be a harmful addition to the character and appearance of the surrounding area. This harm would be emphasised by virtue of its location of the development on a corner plot, close to the junctions with Durham Road and Hawthorn Gardens.
10. Whilst I accept that the large, mature tree located within the garden of 1 Hawthorn Gardens would reduce some of the visibility of the roof extension, this would only be from certain viewpoints. The rear roof slope would still be highly prominent particularly when approaching the site along Hawthorn Gardens. Furthermore, this tree is located on third party land and could be trimmed or removed by the neighbour, which would further highlight the bulky and awkward appearance of the proposed roof extension.
11. My attention has been drawn to examples of roof extensions within the area, including a number of properties within Olive Road. My attention has also been drawn to two specific properties which have been extended, close to the appeal site, 48 Durham Road¹ (No.48) and 1B Hawthorn Gardens² (No.1B), which I was able to observe during my site visit. No.48 is a traditional, two-storey end terrace dwelling, with a L-shaped rear dormer extension granted approval by

¹ Planning Application Ref: PP/2014/3488

² Planning Application Ref: P/2007/3934 and 210150VAR

the Council in 2014. No.1B is a modern, detached part-one, part-two storey. Therefore, whilst I acknowledge the existence of these developments, they are not directly comparable to the appeal proposal.

12. The appellant also refers to permitted development rights under the Town and Country Planning (General Permitted Development) Order 2015, as amended (the GPDO) which were exercised by No.10 when constructing their rear dormer extension. However, they also acknowledge that when planning approval was granted for the new dwelling, a condition (condition no.12) was imposed which restricted the use of certain permitted development rights usually afforded under the GPDO, including those for roof alterations and extensions. Therefore, notwithstanding that fact that No.10 and other properties within the local area may have undertaken works in accordance with these provisions, due to the aforementioned condition, which is not disputed under this appeal, the appeal property would have no fallback position under the provisions of the GPDO.
13. For the above reasons, I therefore conclude that the proposed amended design would cause unacceptable harm to the character and appearance of the area. Thus, it would be contrary to Policies D1 and D4 of the London Plan 2021 and Policy 7.4 of the DMDPD, which require amongst other things, development to be high quality and to enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.
14. The proposal would also be contrary to the guidance contained within the Code of Practice for Minor Amendments to Planning Permissions.

Other Matters

15. I have had regard to the benefits arising from the proposed development in providing an additional bedroom, thereby increasing the size of the proposed dwelling from a two-bedroom dwelling to a three-bedroom dwelling. However, whilst I acknowledge that the provision of an additional bedroom would be a benefit, I have not been presented any compelling evidence to demonstrate that this benefit, which would be limited by virtue of its scale, would outweigh the harm to the character and appearance of the area.

Conclusion

16. For the reasons given, the development does not accord with the development plan when taken as a whole. There are no material considerations of sufficient weight that indicate the appeal should be determined other than in accordance with the development plan. The appeal is therefore dismissed.

K Lancaster

INSPECTOR