

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/24/3339333

34 Ellesmere Road, Greenford, Ealing, London UB6 9ET

- 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 Arfan Bux against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234735FUL.
 - The development proposed is the construction of split level (two storey) dwellinghouse (1x bedroom) with associated landscaping and cycle parking space. Demolition of existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living condition of neighbouring occupiers, with particular regard to outlook.

Reasons

3. The appeal site comprises a small plot of land, situated between the gardens of 30, 32 and 34 Ellesmere Road (Nos. 30, 32 and 34) and 101 Mansell Road (No. 101). It currently contains a single storey garage building, which I observed as being in a poor state of repair. On this part of Ellesmere Road, there are no buildings fronting onto the street, the only buildings visible are outbuildings located within the rear gardens of neighbouring properties. The surrounding area is predominantly residential in character, with mostly two storey terraced dwellings found in short rows. The area is pleasantly open with most properties having large rear gardens.
4. This proposal would involve the demolition of the existing garage and redevelopment of the site to provide a split level, two-storey dwellinghouse, along with associated landscaping, amenity space, cycle and refuse storage.
5. The proposed dwelling would be a one-bedroom, two-person dwelling. It would have a flat roof, and an overall height of approximately 4.8 metres,

which would be of a similar height to the eaves height of the neighbouring houses. To achieve this, the proposed dwelling would be partly set below ground level. The first-floor element of the proposed dwelling would be a curved design, set back from the front boundary and clad in lightweight, sustainable timber. The contemporary design would also incorporate two sedum flat roofs and double-glazed, aluminium composite framed windows, rooflights and glazed doors.

6. Policy D3 of the London Plan 2021 states that housing developments should 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.
7. Policies 7.4 and 7b of the Ealing Development Management DPD (2013) also state that developments should complement their street sequence, building pattern, scale, materials, and detailing.
8. The pattern of development in this area is characterised by terraced properties occupying reasonably spacious plots with sizeable front gardens and long rear gardens. By contrast, the appeal site has a narrow frontage measuring approximately 4 metres wide. The proposed development would be built up to the front boundary of the appeal site with no rear garden, only a small garden located to the side of the proposed dwelling and no front garden. It would also be located behind a two-metre-high brick wall, with no frontage directly onto the street. Furthermore, the proposed dwelling would also occupy the majority of this small plot with built development. This would be at odds with the more spacious character of the area.
9. I accept that it is not disputed by the Council that a contemporary design approach could be supported in principle. However, notwithstanding, the contemporary design approach proposed, in terms of its siting and layout, the proposed dwelling would not reflect the prevailing character of development within the surrounding area. For these reasons, the contemporary design approach would not overcome this.
10. Although no buildings front onto this part of Ellesmere Road, there are a number of outbuildings visible within the wider area including directly opposite the appeal site and within the garden of No.101. However, these are typically single storey, domestic outbuildings, not two storey, self-contained dwellings. Therefore, the scale and height of the proposed dwelling, in combination with its siting, would be at odds with the character and appearance of these buildings and the surrounding area.
11. I have had regard to the potential benefits of the proposed development in improving the character and appearance of the site, which I note currently contains a disused garage and has become overgrown. However, there is no compelling evidence before to demonstrate that the proposed dwelling would be the only means by which to improve the appearance of the site and its contribution to the wider area. Therefore, I attribute this very limited weight.

12. I understand from the evidence before me that this current appeal scheme was developed following the submission of an earlier application¹ which was withdrawn, and subsequent advice sought from the council's pre-application advice service. However, whilst I acknowledge that the revised scheme has sought to address the feedback provided by the Council, for the reasons outlined above, I have nevertheless found that the proposed development would cause harm to the character and appearance of the area.
13. My attention has been drawn to examples of other development in the local area, which the appellant considers to be comparable to the appeal site, these include 2 Waldeck Road (No.2) and 10 Leopold Road (No.10). In respect of No.2², the location of the new dwelling in relation to existing dwellings is different to the appeal site in that it is located at the end of a row of terraced properties. There are no dwellings on this part of Ellesmere Road, only gardens. Furthermore, the Council also concluded that this siting would not undermine the general pattern of development. For these reasons, although I accept in terms of design approach there are some similarities, it is not directly comparable to the appeal proposal.
14. In respect of No.10³, the location of this new dwelling also sits at the end of a row of properties. I accept that a detached dwelling, is not reflective of the surrounding area which mostly comprises large, terraced properties with pitched roofs. However, the approved dwelling incorporates a pitched roof design and is built in line with adjacent properties in the terrace. As such it is materially different to the appeal proposal. Furthermore, the Council found that the proposal would not cause detriment to the character of the area, or the Ealing Common Conservation Area. For these reasons, whilst I acknowledge that there are some similarities between this scheme and the appeal scheme, in terms of layout and siting, I do not find that it is directly comparable to the appeal proposal.
15. Consequently, for the above reasons, I conclude that the proposed development would cause unacceptable harm to the character and appearance of the area. Thus, it would be contrary to Policy D3 of the London Plan 2021 and Policies 7.4, 7.7 and 7b of the Ealing Development Management Development Plan Document, adopted 2013 (DPD), which require, amongst other things, high quality design that responds positively to local context and distinctiveness in terms of their street sequence, building pattern, scale, materials and detailing.
16. It would also be contrary to Policies 1.1 (g), 1.2 (f), 2.1(c) and 2.10 of the Local Development Framework - Adopted Core Strategy, adopted 2012 (CS) which require, amongst other things, the highest standards of sustainable design that protects residential character and balances regeneration objectives and the conservation of the built and natural environment.
17. Further conflict arises with Paragraph 135 of the National Planning Policy Framework (the Framework), which seeks development that will function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping and be

¹ Planning Application Ref: 222280FUL

² Planning Application Ref: 165958FUL

³ Planning Application Ref: 160853FUL

sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities). Paragraph 139 of the Framework also states that development that is not well designed should be refused.

Living Conditions

18. As noted above, the appeal site is surrounded on three sides by gardens associated with neighbouring properties, in particular it abuts the boundary of No.101 which is a two-storey, terraced dwelling, and has a large garden and a single storey outbuilding in use as a granny annexe located at the bottom of its garden, immediately adjacent to its boundary with the appeal site. It also abuts the gardens of Nos. 30, 32 and 34 which are also two storey terraced dwellings with large rear gardens. The garden associated with No.30 is larger than its immediate neighbours on Ellesmere Road and extends the full width of the appeal site.
19. Policy 7b of the DPD states that new development must achieve a high standard of amenity for adjacent users by ensuring high quality architecture, good levels of daylight and sunlight, good levels of privacy, coherent development of the site, appropriate levels of development on site, positive visual impact, and legibility and accessibility.
20. As outlined above, the presence of a part-two storey building on the site, would have an adverse effect on the appearance of the area, and it would by virtue of its siting, inevitably change the views experienced from neighbouring properties. However, by virtue of its distance from neighbouring windows, its siting, and design, I find that it would not create a harmful sense of enclosure for these properties, nor would it result in unacceptable harm to the outlook of these neighbouring properties.
21. In respect of daylight/sunlight, overlooking and privacy concerns, the Council raised no specific concerns and based on the evidence before me and my own observations, I see no reason to disagree.
22. Consequently, for the above reasons, I conclude that the proposed development would not have an unacceptable effect on the living conditions of neighbouring occupiers, with particular regard to outlook. Thus, it would not be contrary to Policy D6 of the London Plan and Policy 7b of the DPD, which require, amongst other things, that development achieves a high standard of amenity for adjacent users.

Other Matters

23. The appellant states that the Housing Delivery Test 2022 sets out that the council delivered only 86% of its housing target over the period 2019 to 2022 the consequence of which is the preparation of an 'Action Plan', which requires the local planning authority to identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery. However, I have not been provided with any further substantive evidence in relation to future housing delivery or supply.

24. Notwithstanding this, I have had regard to Policy H1 of the London Plan which seeks to optimise the potential for housing delivery, especially in areas with a PTAL rating of 3-6 or within 800m of a station. I have also had regard to the benefits of the proposed scheme which would include the provision of an additional dwelling, situated on a small-site and within a sustainable location. However, these benefits would nevertheless be limited by virtue of the scale of development proposed. For these reasons, these limited benefits would not outweigh the unacceptable harm I have found to the character and appearance of the area.
25. There are a number of existing trees within the appeal site and located on adjoining land. The Council found that the removal of trees within the appeal site would not be detrimental to the character and appearance of the area, and that adjacent trees could be protected through the imposition of planning conditions to ensure no harm would be caused during the construction phase. Based on the evidence before me, I see no reason to disagree with these conclusions.
26. I have had regard to third party representations in relation to the potential for increased parking pressure. The application site is not in a Controlled Parking Zone (CPZ) and has a good Public Transport Accessibility Level (PTAL) rating of 4. There is no car parking proposed. However, Policy T6 indicates that car free development should be the starting point for all development proposals in places well-connected by public transport. As the site is not in a CPZ, there is no requirement for a S106 legal agreement to prevent future residents from obtaining resident parking permits. Consequently, I find that given the small size of the dwelling, any increase in parking demand would also be small and therefore unlikely to give rise to unacceptable parking pressure in the local area.
27. I have had regard to other matters raised by interested parties, including the effect of the development on the wellbeing of the occupiers of neighbouring properties and potential disturbance arising during construction. However, as I am dismissing the appeal on the first main issue for the reasons given above, I have not pursued these matters further.

Conclusion

28. Whilst I have found that there would be no harm to living conditions of the neighbouring properties in terms of outlook. This is a neutral matter in the planning balance. There would also be benefits associated in relation to the supply of an additional dwelling in a sustainable location, which I attribute limited weight. However, set against this I have found that there would be unacceptable harm to the character and appearance of the area and, therefore, the proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

K Lancaster

INSPECTOR