



Appeal Decision

Site visit made on 10 December 2024

by S A Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 17 January 2025

Appeal Ref: APP/A5270/C/23/3326683

64 Corringway, Ealing, London W5 3AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Ms Serda Yigit against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 20 June 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission the laying of a hardstanding to the front garden of the property.
 - The requirements of the notice are to:
 1. Remove the hardstanding in the front garden area, and
 2. Restore the front garden area to a matching condition before the breach occurred.
 - The period for compliance with the requirements is 3 (three) months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the notice be varied by deleting the second requirement under part 5 of the notice 'what you are required to do' and substituting it with '2. Restore the land to its condition before the breach took place.'
2. Subject to this, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The Notice

3. Part 5 of the notice should be modified for clarity by substituting requirement 2 with 'restore the land to its condition before the breach took place'. As this would make the requirements no more onerous, and thus no injustice would be caused to either party, the notice can be corrected under s176 of the Act.

Preliminary Matters

4. A new version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. Except for paragraph numbering, the parts of the Framework most relevant to this appeal have not been substantively changed from the previous version. Therefore, it has not been necessary to refer to the parties for further comments concerning the updated document.
5. Article 3, Schedule 2, Part 1, The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO), grants planning permission for undertaking certain development within the curtilage of a dwelling. However, the Council's Article 4(2) Direction dated 25

September 1997 within which the appeal property is situated, means that express planning permission is required for specified development that would otherwise be permitted by the GPDO. In particular, express permission is required for the provision of a hardstanding on the road frontage, including the paving over of front gardens, otherwise permitted by the GPDO at Article 3, Schedule 2, Part 1, Class F. The purpose of the Article 4 Direction was to address the loss of planting and the paving of the areas to property frontages.

Ground (a) and the deemed planning application

Main Issue

6. The main issue is whether the development preserves or enhances the character or appearance of the Hanger Hill (Haymills) Estate Conservation Area (the CA) in terms of its visual impact on the appeal property and the street scene.

Reasons

7. The appeal property lies within the CA. I have applied the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of the CA by attaching considerable importance and weight to that desirability.
8. The appeal relates to a two-storey detached house on the south-eastern side of Corringway. The house was built before 1945 and was originally Mock-Tudor in style, one of the predominant styles used on the Haymills estate, as described in the Hanger Hill (Haymills) Conservation Area Character Appraisal (the Character Appraisal). The area is entirely residential with diverse architectural character, and houses are predominantly detached with generous, mature gardens. Most of the properties were built with an attached or integral garage, and consequently many have vehicular access to the highway.
9. The CA is laid out on a hillside with four curving roads dating from the 1930s which form a semi-circle with interconnecting radial roads. Corringway is one of these roads and forms the backbone of the CA estate established in 1996. Views along the curving lines of the roads are identified as one of the defining elements in the spatial character of the CA. Street trees, front boundary hedges and planting in front gardens contribute significantly and positively to its character and appearance, and I noted this during my visit when I walked along the length of the road and its neighbouring roads within the CA.
10. The Character Appraisal identifies the importance of mature trees and green hedges in complementing the architecture and framing views within the CA. It highlights the provision of additional access ways, the loss of original garden walls, replacement of entire front gardens with inappropriate hard surfacing, loss of trees and the thinning of hedges as posing a particular threat to the character of the estate. Such development is seen as resulting in a significant loss in definition of the streetscape and a loss of the original spatial hierarchy between public and private spaces.
11. The Hanger Hill (Haymills) Conservation Area Management Plan (the Management Plan) provides that to protect the CA from inappropriate development to frontages "No more than fifty per cent of the front garden

area should be hard surfaced, with the remainder of the front garden planted and/or grassed (large expanses of chippings are not in character). Hardstanding should be surfaced in attractive as well as practical materials. Bricks, pavements or concrete setts are preferred to plain concrete or tarmac. Porous material should be used to minimise water run-off. Double entry drives would only be considered for the largest plots on the estate.”

12. The appeal development involves the laying of hard surfacing extending over the entire space to the front of the dwelling, covering the area where previously there were elements of soft landscaping and green boundaries. The hard surfacing is described as non-porous and there is no provision of drainage visible. The boundary wall with its substantial hedge to the front has also been removed and this has opened the frontage of the property to the public realm. The Council has provided Google Streetview images and an aerial image which show the layout of the property frontage before the appeal development. The only element of soft landscaping remaining is the boundary hedge belonging to No. 62.
13. Notwithstanding the pre-existing hard surface, and regardless of the fact that it was non-permeable, the total loss of green space and soft landscaping which is said to have covered approximately 40% of the frontage, is directly contrary to the character of the CA as described in the CA Appraisal. Furthermore, it creates a striking degree of visual starkness aggravated by the removal of the front boundary as the extent of the hardstanding is brought sharply into prominent view with an awkward transition from the pavement.
14. The appellant has provided photographs of other properties within the CA where front gardens have been completely lost or with a significant area lost to hard surfacing. While I noted examples during my site visit, most of the properties do retain significant planting such that vegetation and partially secluded frontages remain an important contributor to the character and appearance of the CA. In any event, the loss of planting and the extensive covering of frontages with hard surfacing in this form, by reason of their poor design, are unworthy of replication and thus their presence does not alter my finding on harm in the case before me.
15. Having regard to the Framework which advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. While the harm caused to the significance of the CA is less than substantial, it is a matter of considerable weight and importance. Paragraph 215 of the Framework requires such harm to be weighed against the public benefits of the development. In this case, no public benefits have been advanced by the appellant and none are obvious.
16. I conclude that the development causes harm to the character and appearance of the appeal property, streetscene and fails to preserve or enhance the character or appearance of the CA, causing less than substantial harm to its significance as a designated asset. There are no public benefits that would outweigh this harm and consequently there is conflict with Policies D3 and HC1 of the London Plan (2021) and Policies 7.4, 7B and 7C of the Ealing Development Management Development Plan Document (2013) which together seek to ensure that developments are of good design and protect the character and appearance of places, including conservation areas. The

development is also contrary to the heritage protection and design principles of the Framework.

17. The appeal on ground (a) therefore fails.

Ground (g)

18. For an appeal to succeed on this ground, I must be satisfied that the compliance period set out in the notice is unreasonably short. The appellant considers that 3 months is unreasonable and requests 6 months to comply with the requirements of the notice, however, no reasons have been provided to support their request.

19. In these circumstances, and as I have found that the appeal development is harmful to, and neither enhances or preserves the character or appearance of the CA, I consider that the period for compliance with the notice is reasonable. Therefore, the ground (g) appeal fails.

Conclusion

20. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under s177(5) of the Act.

S A Hanson

INSPECTOR