



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 20 January 2025

Appeal Ref: APP/A5270/C/23/3321987

66 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 Emel Alaoui against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 29 March 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission, the replacement of the front door, the erection of sliding gate, front boundary wall with railings above and the laying of hardstanding in the front garden. ("the unauthorised development").
 - The requirements of the notice are to:
 1. Remove the front door;
 2. Remove the sliding gates;
 3. Remove the front boundary wall with railings above;
 4. Remove the hardstanding in the front garden;
 5. Restore the property to its original condition prior to the breaches of planning control occurring; and
 6. Remove all resultant debris.
 - 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) 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.
-

Decision

1. It is directed that Part 5 of the notice be varied by:
 - i. deleting the first requirement 'Remove the front door'; and
 - ii. deleting the fifth requirement 'what you are required to do' and substituting it with '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 amended for clarity by substituting requirement 5 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 of 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 lies, 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 alterations to property frontages and the provision of a hardstanding on the road frontage, including the paving over of front gardens. The purpose of the Article 4 Direction was to address the loss of planting and the paving of the areas to property frontages.
6. The Council observes that the front door has been replaced twice. Photographs provided by the Council from a site visit on 3 June 2020¹ show a contemporary door consisting of a full-length handle, four lights and full-length frosted panes either side. That door has subsequently been replaced with a door of a more traditional design with leaded half glazed panes, and this is what I observed at my visit. The council confirms that it has no objection to this door. A photograph of which is provided in the Council's appeal statement². Accordingly, I shall delete the requirement from the notice that requires its removal.

The appeal on ground (a) and the deemed planning application

Main Issue

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

Reasons

8. 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.
9. The appeal relates to a two-storey detached house, built prior to 1945 in a Mock-Tudor style, on the south-eastern side of Corringway. The Haymills Estate, as described in the Hanger Hill (Haymills) Conservation Area Character Appraisal (the Character Appraisal) is residential with a diverse architectural character where 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.

¹ Appendix 9 of the Council's Appeal Statement at p93

² Appendix 9 of the Council's Appeal Statement at p94

10. 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. The Character Appraisal identifies the importance of mature trees and green hedges in complementing the architecture and framing views within the CA. It notes that the original frontages for most houses in the estate consisted of a low brick wall and a hedge with a timber or metal gate.
11. The provision of additional access ways, the loss of original boundary walls and their unsympathetic replacement, and the loss of entire front gardens to inappropriate hard surfacing are all considered to pose a particular threat to the character of the estate together with the use of materials or technologies that are misplaced in respect of their context. 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.
12. The Hanger Hill (Haymills) Conservation Area Management Plan (the Management Plan) advises that the removal of traditional boundaries and gardens is also to be resisted and that any replacements are appropriate in their use of materials to provide a high quality of design that is compatible with the historic character of the CA. Furthermore, it 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."
13. The appeal development involves the laying of hard surfacing consisting of large paving slabs extending over the entire space to the front of the dwelling, covering the area where previously there were elements of soft landscaping. The original low red brick wall on the left side of the property and the nib wall on the right side have been removed. Part of the front wall has been rebuilt, to a 60cm height, with black metal railings set behind the wall and extending above the wall with an approximate height of 1.3m. An electric, sliding, metal, vehicle gate and a metal pedestrian gate of the same height as the railings have also been installed stretching the entire width of the frontage. The railings and the wall together form the boundary treatment to the front of the property and exceed 1m in height.
14. I acknowledge that the driveway to the property was previously covered with hard surfacing, but there were elements of planting along the front of the house and a side border which helped to soften the frontage. The physical extent of the hardstanding unacceptably alters the balance within property frontages between hard surface and opportunities for soft landscaping and this is disruptive to the CA. Furthermore, although there may have been similarity with the colour, Indian Sandstone paving slabs are of a size and a material that bear little relationship to the front of the house and its context, and I find

this to be visually inappropriate and harmful to both the dwellinghouse and its surroundings.

15. While the boundary wall is not so dissimilar to others within the vicinity, the presence of the decorative metal railings is an alien feature and detracts from the historic qualities of the CA. It also forms a solid boundary that encloses the property from the public realm. This is intrusive and discordant and not reflective of the frontages with low brick walls supplemented by hedging, shrubs and trees displayed in the surrounding area. The appellant has drawn my attention to other nearby examples of properties with metal railings. Two of these properties are confirmed by the Council not to have planning permission. The remaining example is on a new build plot with planning permission and is considered, by the Council, to be more traditional as the gates swing open rather than slide. Notwithstanding their presence, they should not set a precedent for such development that is generally at odds with its surroundings particularly when sited within a CA.
16. 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, the appellant refers to twice having her car broken in to and thus the railings offer greater security and a deterrent to crime. While I appreciate that would be advantageous for the appellant, the public benefits are very limited and do not outweigh the harm that I have identified.
17. I conclude that the development causes harm to the character and appearance of the appeal property and 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.
18. I have had regard to all the evidence presented and conclude that there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal on ground (a) should not succeed. I shall uphold the amended enforcement notice and refuse to grant planning permission on the application deemed to have been made under s177(5) of the 1990 Act as amended.

S A Hanson

INSPECTOR