



Appeal Decision

Site visit made on 27 March 2025

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2025

Appeal Ref: APP/A5270/D/24/3356510

96 Westcott Crescent, Hanwell, Ealing W7 1PA

- 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 and Mrs Surendra Dhungana against the decision of the Council of the London Borough of Ealing.
 - The application reference is 242537HH.
 - The development proposed is a loft conversion with rear/side dormers and conservation-type front roof windows.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. On 12 December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version. The provisions most relevant for determining this appeal were not altered significantly, and as a result I consider that there is no requirement for me to seek further submissions on the revised Framework; I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.

Main Issues

3. The main issues are the effect of the proposed development on the character and appearance of the Cuckoo Estate Conservation Area, and on living conditions for neighbouring residents.

Reasons

4. The appeal property is a two-storey end terrace house on the eastern side of Westcott Crescent, separated from the carriageway by a shallow green. There are front and back gardens, and the rear backs onto the large public open space of Cuckoo Park. The proposed development is a loft conversion with rear and side dormers, and conservation type rooflights to the front elevation; it would allow the creation of a new second-floor bedroom with shower room. The Council's concerns for both main issues relate to the potential impact of the proposed side dormer, and it is therefore that element of the scheme I focus on here.

Conservation Area

5. The property is within the Cuckoo Estate Conservation Area ("the CECA"), and I have a statutory duty to pay special attention to the desirability of preserving or

enhancing the character or appearance of the conservation area. Paragraph 202 of the Framework states that heritage assets are irreplaceable and should be conserved in a manner appropriate to their significance. It goes on to say at Paragraph 213 that any harm or loss requires clear and convincing justification, and at Paragraph 215 that any harm that is less than substantial must be weighed against the public benefit of the proposal.

6. The Cuckoo Estate is a fine example of an inter-war housing planned housing estate, developed by London County Council and designed thoughtfully around the local topography and around the Hanwell Community Centre, a Grade II listed building within Cuckoo Park which was originally a Poor Law school. The Council's 2007 CECA Appraisal notes that the area's special interest derives in part from the fact that the estate retains many of its original features and its entire original layout. Among the positive features the appraisal identifies are the estate's cohesive and deliberate layout, including balanced and often symmetrical short terraces, and the "mostly plain and clutter-free" roofs. I also consider that these factors help to define the significance of the CECA, insofar as it relates to this appeal.
7. The short terrace of which the appeal property is part currently has a balanced and essentially symmetrical appearance when seen from the street. The proposed side dormer would be a prominent addition to the roof, and the balance and symmetry would be lost. Although a mature deciduous tree on the green in front of the house would provide some screening when in leaf, this could not be relied on year-round; in any event, the dormer would still be an intrusive feature in angled views, as well as in views from Cuckoo Park at the back of the house. The conservation area appraisal identifies unsympathetic roof alterations as a negative feature of the area. While the dormer would comply with the limited guidelines in respect of roof extensions set out in the Council's 2007 CECA Management Plan neither this, nor the use of materials to match the existing dwelling, would be sufficient to prevent it being an unsympathetic addition to the roofspace.
8. The appellant drew my attention to what were described as "comparable roof alterations" at No 134 Westcott Gardens, a short distance from the appeal site and which I was able to view during my site visit. That building has a second-floor window on the eastern side elevation which may indicate that it was originally built with accommodation in the roofspace, though there is no definitive evidence before me either way on that question. However, although there are dormers on the front and side roof slopes of No 134 they are set well down from the ridge and up from the eaves; the side dormer is considerably narrower and shallower than that proposed in this case. I was not made aware of, nor did I see during my visit, any other side dormers within the area around the appeal property.
9. I conclude that the proposed side dormer would be detrimental to the appearance of the host property, and so would not preserve the character or appearance of the CECA. Given the size of the conservation area as a whole, and the size and siting of the dormer, in the Framework's terms the harm to its significance as a designated heritage asset would be less than substantial. The scheme would provide additional living space for the appellants' family but, while I am not unsympathetic to this aim, this would be a private benefit; no public benefits arising from the scheme have been identified.
10. The development therefore conflicts with Policies 1.1 and 1.2 of the 2012 Ealing Development Strategy, Policies 7.4, 7B and 7C of the 2013 Ealing Development

Management DPD (“the DM DPD”), and Policy HC1 of the London Plan 2021. Together, and among other things, these policies seek to ensure that development achieves high quality design which complements local scale, building patterns and detailing, and that development which undermines the significance of heritage assets including conservation areas is avoided. The proposal also conflicts with the provisions of the Framework which seek to conserve and enhance the historic environment.

Living Conditions

11. The proposed development would include a new window opening on the side elevation, which would allow some views over the rear gardens of the neighbouring No 98 Westcott Crescent and other dwellings beyond. However, the window would serve only the staircase to the new loft accommodation rather than a habitable room, and it is not generally unusual, in my experience, for such windows to be found where properties have a side-to-side relationship as is the case here. Furthermore, the orientation of the staircase and the height of the window would mean that any such views would be oblique and fleeting. Any overlooking or loss of privacy which might arise as a result of the scheme would be very limited in scope.
12. I therefore find that the development would not have a significant adverse impact on living conditions for neighbouring residents. I conclude on this matter that it would comply with Policy 7B of the DM DPD, and with Policies D3 and D6 of the London Plan 2021. Together these policies require that development should achieve a high standard of amenity, including in respect of privacy, for neighbouring occupiers.

Other Matter

13. The appellants requested that, in the event of my finding the side dormer unacceptable, I consider issuing a “split decision”, approving the other elements of the scheme. I have no “in principle” objections to that course of action. However, based on the submitted section drawings it is not clear to me that, without the side dormer but otherwise as proposed, there would be sufficient headroom to provide safe and adequate access to the new loft accommodation. I do not therefore consider that it would be appropriate to issue a split decision.

Planning Balance and Conclusion

14. The proposed development would not cause unacceptable harm to the living conditions of neighbouring residents. However, this lack of harm does not diminish the significant harm which would be caused to the character and appearance of the CCECA. Overall, the proposal would conflict with the requirements of the development plan and the Framework.
15. I therefore conclude that the appeal should be dismissed.

M Cryan

Inspector