



Appeal Decision

Site visit made on 28 March 2025

by **O Tresise MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14th May 2025

Appeal Ref: APP/A5270/W/24/3356358

2A Churchill Gardens, Ealing, Acton W3 0JN

- 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 Nicholas Constantinou against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243021FUL.
 - The development proposed described as: 'Conversion of existing garage into two storey residential dwelling; alterations to elevations and boundary, enlargement of ground floor, first floor extension.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was lodged, the National Planning Policy Framework (the Framework) has been revised. However, I am satisfied that there are no changes of any consequence for the main issue in this appeal.
3. There is a minor discrepancy in respect of the plans because a dormer window was not shown on the proposed roof plan. Whilst an amended plan was provided to rectify this discrepancy, it is not a determinative factor for this appeal as I have enough detail before me to form the basis of my overall planning assessment.
4. The appellant suggests that some amendment could be made on the proposed first floor layout to meet the headroom requirement. Whilst, in certain circumstances, a proposal can be amended through revised plans during an appeal, in line with the Wheatcroft principle, I can see that there are material differences between the appeal proposal and the potential changes suggested in the appeal statement. In this case, it is my view that the appeal must be determined on the basis of the plans as originally submitted to the Council and upon which it based its decision, and which have been subject to consultation. To do otherwise would prejudice the interests of the Council, interested third parties and consultees, who have not been consulted on a revised scheme and who may have observations to make. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

5. The main issues are the effect of the proposed development on
 - the character and appearance of the area;

- the living conditions of occupants of the existing and proposed dwelling in respect of provision of outdoor amenity space; and
- the living conditions of occupants of the proposed dwelling in respect of floor-to-ceiling height.

Reasons

Character and Appearance

6. The appeal site comprises a hipped roof detached garage, situated near the junction of Noel Road and Churchill Gardens. The appeal site currently forms part of the rear garden of 243 Noel Road. The area is characterised by two-storey semi-detached dwellings, and most of them still retain their original hipped roofs, and they are predominantly completed in brickwork. Properties along Churchill Gardens generally have plots which are narrow in width but deep in length providing houses with generous rear gardens. Houses are set back from the road, with hedging or low boundary walls, and street trees growing along the pavement. These characters contribute positively to the local distinctiveness and coherent character and appearance of the area.
7. The appeal proposal would raise both the eaves and ridge heights of the existing garage to facilitate its conversion into a dwelling. Although the new roof would incorporate a hipped form, the combination of this with an overly large gable on its front elevation would appear incongruous and at odds with the prevailing character of the area. This adverse effect would be exacerbated by its existing projecting position, overly sized Juliet balcony and dormer window on the front elevation. Therefore, the proposal would create an alien feature that undermines the integrity of the character of the area.
8. The appellant suggests that the proposed dwelling would be read as diminutive in relation to the adjacent buildings. I am however mindful that the proposal is to create an independent dwelling, rather than an ancillary structure or an extension to the existing property. As such, the proposal would introduce a disproportionately small version of a typical dwelling, which would not sit comfortably within the established context of the area.
9. Overall, I find the appeal proposal would be uncharacteristic and incongruous, and it would be harmful to the character and appearance of the area. Therefore, the development would be contrary to Policies D3 and D4 of the London Plan (2021) (the London Plan), Policies 7.4 and 7B of the Ealing Development Management DPD (2013) (the EDM). Taken together, these policies seek that new development is designed to the highest standards and is in-keeping with the existing character of the area.

Provision of outdoor amenity space

10. The Council expressed concern that part of the proposed amenity space is outside the applicant's ownership, and that would not provide certainty that the proposed amenity space could be provided. Notwithstanding that, issues of land ownership are not matters to be settled in this appeal, the drawing provided shows how the existing garden area would be subdivided. Given most of the existing garden would still be retained for the existing dwelling and a small garden area would be provided for the new dwelling, which would be modest in scale, I find the provision

of outdoor amenity space would be acceptable for both the new dwelling and the existing dwelling.

Floor-to-ceiling height

11. The drawings provided show a bedroom, a kitchen, and open living area on the first floor of the proposed dwelling. Both the main parties agree that the appeal proposal would not meet the requirement set out in the Housing Design Standards of the London Plan Guidance June 2023 (HDS). The appellant suggested that there are number of examples in the area where the Council have relaxed the requirements. Whilst I do not know the circumstances under which they were constructed, I have little information of these cases and therefore cannot draw any direct comparison with the appeal proposal that would weigh in its favour. The appellant has also drawn my attention to an example in the area, however, it is of a different design and scale, therefore it is not directly comparable to the appeal proposal.
12. Overall, whilst the appeal proposal would provide adequate private outdoor amenity area for both the existing and proposed dwelling, I find that the proposal would have a harmful effect on the living conditions of the prospective occupiers of the new dwelling, due to its restricted floor-to-ceiling height. In this regard the development would be contrary to Policy D6 of the London Plan, Policies 7D and 3.5 of the EDM and HDS, and Policy DAA of the Ealing Local Plan (Reg 19) (2024), that seek a high standard of living condition for future occupiers.

Planning Balance

13. The site is situated in a residential area where shops, services and public transport can be accessed. The appeal proposal would also reuse the existing structure. In addition, temporary and ongoing economic benefits would arise through the construction of the dwelling and ongoing domestic expenditure in the area. There could be some other benefits associated with new planting and biodiversity enhancement. However, given the modest scale of the development such benefits attract only limited weight and do not outweigh the harm which I have found in this case.

Other Matters

14. I noted that the Council do not raise any objections to the proposal in terms of highway safety, parking provision or refuse and recycling storage. Therefore, these respects would be neutral factors for the determination of this appeal.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

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INSPECTOR