



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: 24th June 2025

Appeal Ref: APP/A5270/W/24/3354964

22 St Andrews Road, Ealing, London W3 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ijaz Khan against the Council of the London Borough of Ealing.
 - The application Ref is 242660FUL.
 - The development proposed is 'Construction of two storey dwellinghouse with loft space accommodation; front boundary treatment; and provision of associated amenity and cycle parking.'
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Decision

1. The appeal is dismissed and planning permission is refused for the construction of two-storey dwellinghouse with loft space accommodation; front boundary treatment; and provision of associated amenity and cycle parking.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. I note that the Council would have refused planning permission should it have made a decision on the proposal. I have had regard to the parties' submissions in establishing the main issues which I set out below.
3. In the banner heading above I have taken the description of development from that used on the appeal form and the Council's Statement of Case, rather than the planning application. This is because the appellant states that the description on the planning application is no longer correct and the appeal form description is the same as that used by the Council in its appeal statement. I am satisfied that the revised description adequately describes the proposal, and the cases of the main parties would not be prejudiced by its use. I shall therefore use it in the determination of this appeal.
4. 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 issues in this appeal. The cases of the parties have therefore not been prejudiced by not being able to comment on the revised Framework and I have determined the appeal on the basis of the statements and comments that have been received.
5. I note that the Council refers to the adjacent property that immediately to the south of the appeal site as '20 St Andrew's Road', while the drawings provided suggest that 20a and 20 are two individual properties. As I do not know full details of these properties, I have therefore referred to them as 20a / 20 St Andrews Road.

Main Issues

6. The main issues are the effect of the proposed development on:
- the character and appearance of the area;
 - the living conditions of the occupiers of 20a / 20 St Andrews Road, with particular to outlook; and
 - the living conditions of the occupiers of 27 Brassie Avenue, with particular regard to privacy and outlook.

Reasons

Character and Appearance

7. The appeal site is situated near the junction of St Andrews Road and Brassie Avenue, within a residential area predominantly characterised by two-storey houses of similar scale and design and constructed from a limited palette of materials. Along St Andrews Road, other than for the detached donor house, terraced housing dominates. Houses are set back from the street, and the full hipped roofs, the hipped roof projections within the front elevation of the terraces and their projecting bay windows contribute a strong sense of local distinctiveness of the area.
8. The proposed house would be located in the side garden to the donor house with its flank wall almost touching the adjacent terrace and with a ridgeline that would follow those of the neighbouring properties, 22 and 20a/20 St Andrews Road. In contrast to a previous scheme dismissed on appeal¹, the proposed dwelling would be largely in line with the front building line drawn between these properties. However, its gable ended roof, two storey gabled projection within its front elevation and the absence of bay windows would be starkly at odds with the terrace which is the dominant pattern and form of development along the road. The features of the proposed house described would also not relate well to the form, well balanced proportions and symmetry of the donor house. The use of red brick and red roof slates to match the materials used along the street would be insufficient to overcome the incongruous design of the proposal.
9. The appellant has drawn my attention the new house at 12A St Andrews Road. This property though was deliberately designed to attach to an adjacent dwelling on a corner plot. By contrast the proposed dwelling is a detached dwelling, which would sit between the host property and the neighbouring property. As a result, it is not comparable with the appeal proposal in a meaningful way and reference to it has not altered my findings in relation to this issue.
10. The appellant also suggests that it is an appropriate place for a new housing because planning policies support increased densities and a sustainable use of available land. However, I am mindful that these planning policies also seek to enhance the quality of design while promoting higher density development in certain areas. Therefore, these do not change my conclusion on this issue.
11. Overall, I conclude that the proposal would result in harm to the character and appearance of the area. As such, it would not comply with policies 7.4 and 7B of

¹ Planning reference 233669, Appeal reference APP/A5270/W/23/3334054

the Ealing Development Management Development Plan Document (EDMDPD) and policies D1, D3, D4 and D5 of the London Plan (London Plan). It would also conflict with the guidance within Part B (Housing Design Guidance) of Ealing Design Guidance. Taken together, these policies and guidance seek to achieve high quality design that promotes local distinctiveness, and that new development should respect the scale and character of the street scene and the surrounding area.

Living conditions - 20a / 20 St Andrews Road

12. The proposed dwelling would be situated immediately adjacent to the neighbouring property, 20a/20. At my site visit, I observed that there are two windows on the first-floor side elevation of 20a. Whilst I do not have full details of these windows, the proximity of the proposed dwelling to them would result in a visually overbearing effect, causing harm to the living conditions of the occupiers of 20a/20 St Andrews Road.

Living conditions - 27 Brassie Avenue

13. 27 Brassie Avenue is situated to the northeast of the appeal site. Although the proposed dwelling would sit at an angle of this neighbouring property, the proposed dormers and the bedroom windows, due to their proximity to the neighbouring private garden and windows, would result in an unacceptable degree of overlooking. As such, the appeal proposal would have a harmful effect on the living conditions of the occupiers of this neighbouring property.
14. In relation to the previous appeal decision on the appeal site referred to earlier, the Inspector considered that the scheme would not result in a poor outlook to the occupiers of No 27. The proposed dwelling subject to this appeal would sit further away from this existing dwelling, when compared with the previous scheme. In this regard, it therefore would also not result in a poor outlook for this neighbouring property.
15. Notwithstanding my favourable findings in relation to the outlook enjoyed at No 27, overall, I find that the proposed development would have a harmful effect on the living conditions of the occupiers of 20a/20 St Andrews Road due to the effect of the proposal on outlook, and at 27 Brassie Avenue due to overlooking. Consequently, the development would be contrary to Policy 7A and 7B of the EDMDPD. It would also conflict with the guidance within Part B (Housing Design Guidance) of Ealing Design Guidance. Taken together, these policies and guidance seek a high standard of living conditions of the occupiers of the existing dwellings.

Other Matter

16. I note that the Council do not raise objections to the proposal in terms of highway safety, parking provision, living conditions of the occupiers of 22 St Andrews Road. I also note that a refuse bin storage could be provided within the proposed amenity area to meet the needs of future occupiers. Accordingly, the compliance with the development plan in these respects is a neutral factor.

Planning Balance

17. The Council refers to Policy DAA of an emerging Ealing's new Local Plan. However, I have not been advised whether the examining Inspectors have made

any interim findings, whether main modifications have been consulted upon, whether representations have been received in response to them and whether the examining Inspectors have submitted a report. In these circumstances there is a lack of certainty about the final form of policies in the emerging plan and it attracts limited weight.

18. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the EDMDPD and the London Plan, with the associated conflict reflecting harm to character and appearance of the area and to the living conditions of occupants of adjacent properties. For these reasons, the development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
19. The appellant states that there is a shortfall in the Borough based on the Council's housing statement (November 2023) and that the Council's Housing Land Supply is 3.7 years. This statement has not been challenged by the Council and is a notable shortfall against the five year housing land supply sought by the Framework.
20. Paragraph 11d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies securing well-designed places.
21. The proposal would make a positive contribution to housing supply within the existing urban environment, and it would also result in some social and economic benefits during the period of construction and once the dwelling is occupied. There could be some other benefits associated with new planting, together with the proposed outdoor private amenity space which would exceed the requirements set in Policy 7D of the EDMDPD. Furthermore, the rooms size of the proposed dwelling would also exceed the Nationally Described Space Standards. However, given that the development would result in only one additional house, such benefits attract only limited weight.
22. In the particular circumstances of this case, I concluded that the adverse effects on the character and appearance of the area and to the living conditions of the occupiers of the neighbouring properties would conflict with policies of the Framework. The adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.

Conclusion

23. The proposal conflicts with the development plan as a whole 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