



Appeal Decision

Site visit made on 9 June 2025

by **C Housden BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 July 2025

Appeal Ref: APP/A5270/W/25/3361889

9 Creswick Road, Acton, Ealing W3 9HG

- 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 Ezz Bilal against the decision of the Council of the London Borough of Ealing.
 - The application ref is 244544FUL.
 - The development proposed is conversion of existing outbuilding into self-contained residential bungalow; single storey side extension to existing outbuilding; creation of amenity space and driveway and associated external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development differs between the application form and decision notice. I understand from the evidence that the scheme was amended during the course of the planning application. I have therefore taken the description of development from the decision notice which accurately reflects the development on the plans before me.
3. During the planning application, it is also my understanding from the evidence that elevations of the host property were not submitted, and the development was determined on the basis of the proposed access requiring the partial demolition of the host property.
4. An additional elevation plan has been submitted alongside the appeal documentation, proposing an undercroft access arrangement through the host property. This plan was not considered by the Council during the application stage and has not been subject to public consultation.
5. Accepting these plans would therefore involve a fundamental change to the scheme which I am concerned would deprive those entitled to be consulted the opportunity to make a representation and prejudice the position of the Council. Furthermore, the appeal process should not be used to evolve a scheme¹ which accepting these plans would do. Therefore, I have based my decision on the plans which were before the Council when the application was determined.
6. The Council refers to Policy DAA of their emerging Local Plan in both reasons for refusal. The decision notice states the emerging plan is at Regulation 22 stage. However, I do not have any further information before me regarding the status of

¹ Procedural Guide: Planning appeals – England paragraph 16.1

the emerging plan such as whether any interim findings have been made, if there have been any main modifications and subsequent consultations upon them or if the examining Inspectors have submitted their report. Given the lack of certainty over the final form of this emerging policy, I cannot yet accord it full weight.

Main Issues

7. The main issues most relevant to the appeal are:

- whether the lounge/dining/kitchen area of the proposed development would provide acceptable living conditions for future occupants with particular reference to outlook and daylight; and
- the effect on the character and appearance of the area.

Reasons

Living conditions

8. The sub-division of the host plot would result in a boundary situated in very close proximity to the front elevation of the proposed dwelling. Both parties cite a distance of 1.4m from the proposed boundary to the windows on the front elevation.
9. Limited details have been provided regarding the boundary treatment, however the appellant has suggested that it would be a low lying fence with full details to be secured by condition.
10. Having regard to the tests outlined at paragraph 57 of the National Planning Policy Framework, a condition securing a low lying fence would not be reasonable, as it would be ineffective in avoiding mutual overlooking and a loss of privacy for occupiers of 9 Creswick Road (No 9) and the proposed dwelling. The boundary treatment would need to be at least at eye-level in height to avoid this scenario.
11. Due to the required height of the boundary treatment to avoid unacceptable overlooking, and its overbearing proximity to the front windows of the lounge/dining/kitchen area, outlook from the windows and the provision of daylight to the windows would be significantly restricted. This would have an oppressive and enclosing effect on the future occupiers of the development.
12. Whilst the proposed lounge/dining/kitchen area would be dual aspect, these side windows would be situated directly opposite the existing boundary wall which also would significantly limit the outlook and the provision of daylight to these side windows. Therefore, the proposed side windows would not justify the proposed arrangement or alleviate the oppressive and enclosing effect on the future occupiers.
13. The proposal would result in significant harm to the living conditions of future occupiers of the development through a lack of outlook and light which would conflict with Policy D6 of the London Plan (2021) (LP). This policy, amongst other matters, seek to ensure that development is of a high quality design that provides comfortable and functional layouts that are fit for purpose. There would also be conflict with Policy DAA of the emerging Local Plan which also seeks to ensure that development is of a high quality design that provides good levels of daylight.
14. The Council has also referred to Policy 3.5 of the Ealing Development Management Development Plan Document (2013) (DMDPD). This policy relates to minimum

space standards for rooms, which the evidence before me shows the proposal would comply with. Therefore, on this basis I find no conflict with this policy.

Character and appearance

15. Creswick Road is characterised by predominantly detached and semi-detached residential properties fronting the road, with long rectangular plots arranged in a regular linear pattern. The area is suburban in character and appearance.
16. The host property, No 9 comprises a semi-detached two storey property. The plot has an unusual irregular shape with a side and rear garden with a large, pitched roof outbuilding contained within the garden.
17. The conversion and extension of the outbuilding, resulting in the creation of a new dwelling within a backland location would conflict with the strong linear pattern of development where properties front onto Creswick Road.
18. Despite the proposed dwelling being located to the rear of No 9, where its physical presence within the streetscene would be very limited, the proposed division of the existing driveway and the proposed access angled across the front of the partially demolished host dwelling would be readily perceptible from within the streetscene and would harmfully read as an access leading to a backland dwelling contrary to the pattern of development.
19. Furthermore, the combination of the partial demolition of the host property to fit an awkwardly angled access around its retained elements would be juxtaposed against the very linear characteristics of the wider area, including linear access paths between properties. The proposal would therefore be harmful to the character and appearance of the area.
20. Therefore, the appeal proposal would be contrary to Policies D3 and D6 of the LP, and Policies 7.4 and 7B of the DMDPD. These policies, amongst other matters, seek to ensure development is of a high quality that responds to the existing character, building pattern and context of the area. There would also be conflict with Policy DAA of the emerging Local Plan which seeks to ensure development has a positive visual impact and is of a high quality design.

Other Matters

21. The development would provide an additional dwelling with an acceptably sized internal floor area and outside amenity space in an urban area which would contribute to the supply of housing within the borough. This is supported by the government objective to significantly boost the supply of housing. However, given the small scale of the proposal, this at most attracts moderate weight in favour of the development.
22. An allowed appeal at 26 Creswick Road² (No 26) has been brought to my attention which the appellant has drawn similarities to the appeal that is before me. The appellant has suggested the Inspector applied substantial weight to the delivery of a new home in this appeal. However, it is clear from the Inspector's reasoning that, given the limited harm they found to the character and appearance of the area only, the benefit of an additional dwelling was a material consideration that indicated the decision should be made other than in accordance with the development plan, rather

² APP/A5270/W/22/3292281

than the Inspector specifically applying substantial weight to the provision of a dwelling. I am therefore not being inconsistent by applying moderate weight to this benefit in this case for the reasons I have given.

23. In relation to character and appearance the appeal before me requires the partial demolition of the existing property and creation of a new access, whereas the appeal at No 26 utilised an existing linear gap between No 26 and its neighbour. Therefore, the two developments are not directly comparable in regard to their effect on the character and appearance of the area.
24. In relation to living conditions of future occupiers of the development, this was not an issue in dispute for the appeal at No 26. Notwithstanding, the approved plans show that whilst some rooms would have outlook into a sunken courtyard, the walls of the courtyard would be at a significantly greater distance away from these windows than is the case with the boundary fence with this current appeal. Furthermore, the office of this property having a high level window would still allow for light into this room. Whilst outlook would be restricted from this room, it relates to one habitable room in a much larger dwelling compared to the appeal scheme where the entire lounge/dining/kitchen area would be subject to an oppressive outlook. Therefore, this development is not comparable to the appeal before me in relation to living conditions.

Conclusion

25. 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, I conclude that for the reasons given above the appeal should be dismissed.

C Housden

INSPECTOR