



Appeal Decision

Site visit made on 25 November 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/A5270/W/25/3372950

41 Birkbeck Road, Acton, London W3 6BQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Gary Hughes against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 250364FUL.
 - The development proposed is demolition of existing garage and construction of new building of seven flats. 2 x 2 bed, 3 x 1 bed & 2 x studio units. New Refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I understand that Ealing's draft new Local Plan (Regulation 22) is at an advanced stage albeit not formally adopted and thus it does not form part of the statutory development plan. Consequently, I only afford its relevant policies weight as material considerations insofar as they are consistent with the National Planning Policy Framework (the Framework).

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Acton Town Centre Conservation Area (CA);
 - Whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outlook and amenity space;
 - Whether the proposed development would provide adequate cycle parking storage; and
 - Whether the proposed development would provide adequate food waste storage.

Reasons

Character and appearance

4. The appeal site relates to land situated on the western side of Birkbeck Road in Acton. It currently contains a garage, and the surrounding area is predominantly mixed-use comprising both commercial and residential properties. A public house is located to the north and residential properties are located to the south.
5. The proposed development seeks to demolish the existing garage onsite and construct a new three storey building comprising Seven residential flats. There would be amenity space, cycle parking and refuse storage as part of the proposed development.
6. The appeal site is located to the south of the CA. The main significance of the CA relates to its mainly late 18th Century, Victorian and Edwardian architectural heritage, with most buildings going back to the time when Acton started to expand and flourish after the advent of the railway. Building types are residential, civic offices, parades of shops, religious buildings and public houses. Based on my observations on site, I find the appeal site to contribute neutrally to the character and appearance of the CA. This is because of its location/relationship with the CA and its overall appearance which is a simple single storey structure facing away from the CA.
7. I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. It requires special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. I have also had regard to paragraph 212 of the Framework which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The proposed development would construct a three-storey building with mansard roof and would span the full width of the site. The front and rear elevations would be slightly set back from the site's boundary and there would be a high front boundary wall constructed. The high front boundary wall would create the appearance of a single storey front projection/addition which I find would be an incongruous feature within this particular street scene where such features are not common to the front of properties and thus would unacceptably draw the eye. Its proximity to the street scene would further exacerbate the harm sitting at odds with other boundary treatments to the front of properties which for the greater part maintain a level of openness/spaciousness. Its perforated brickwork would not sufficiently overcome this as it would still create a solid appearance to the street scene which would cover the full width of the front of the dwellings and would be tall in height.
9. At my site visit, I observed the built form surrounding the site which varied somewhat in terms of scale, mass, bulk, footprint etc. The appeal site is viewed against taller buildings covering three storeys and I cannot therefore agree that the scale, mass, bulk and footprint of the proposed development with the exception of the front boundary wall would create an overly dominant and incongruous form of development in this particular setting. It would rather assimilate comfortably within the surrounding built context, and this element is therefore of lesser concern to me. A lack of harm in this respect would not however overcome the other harm I have identified with regard to the proposed high front boundary wall element.

10. I recognise that the site is not located in the CA, but the proposed high front boundary wall would still be visible from the CA which I must consider accordingly. That said, views would be limited to a very small section from the CA when looking down Birkbeck Road from Churchfield Road and even then, views would be at an angle where its full effect would not be understood. Given the location/relationship with the CA, I do not find the proposed development to result in harm to the setting and significance of the CA but rather maintain its neutral impact. I therefore see no direct conflict with Policy HC1 of the London Plan, 2021 (LP) and Policy 7C of the Development Management Development Plan Document, 2013 (DPD). This does not however mean that it is not harmful to the character and appearance of the area when viewed as part of its immediate context and street scene.
11. My attention has been drawn to other cases of a similar nature ie multi storey residential development which have been approved by the London Borough of Ealing. However, whilst some may share similar characteristics in terms of size, contemporary design etc, the exact design/style is different particularly the front wall element. Additionally, I do not have the full details in terms of how the other schemes were assessed and how they are read as part of their specific street scene as their location/context is indeed different to the appeal before me. On this basis, I do not find such other schemes to be directly comparable to the appeal I am considering which I have assessed on its own merits.
12. The existing building may not be of any architectural or historic significance nor meet environmental/energy standards. Even so, this would not be sufficient to justify the scheme, and I did not find the appearance of the existing building at the time of my site visit to be so detrimental as to benefit from the proposed development.
13. For the above reasons, I conclude on this issue that the proposed development would unacceptably harm the character and appearance of the surrounding area. The proposed development would therefore be contrary to Policies D3 and D4 of the LP; Policies 7.4 and 7B of the DPD and Policy DAA of Ealing's draft new Local Plan (Regulation 22). Such policies together, amongst other matters, explain that development in Ealing's existing built areas should compliment their a) street sequence b) building pattern c) scale d) materials e) detailing.

Living conditions

14. Units 1 and 2 located at ground floor level would only have outlook onto boundary walls within close quarters. This would result in poor levels of outlook and thus would detrimentally harm the living conditions for future occupiers of those units.
15. The Council's planning guidance relating to the provision of amenity space is set out in Policy 7D of the DPD which provides that a minimum of 5 square metres of private outdoor space should be provided for 1-2 person dwellings, and an extra 1 square metre should be provided for each additional occupant. Additionally, Policy D6 of the LP states that it must achieve a minimum depth and width of 1.5 metres.
16. Units 5 and 7 fall short of these requirements and unit 6 would not provide any private amenity space. This would result in poor living conditions for future occupiers of those units. The appellant explains that outdoor green space is provided within walking distance of the site. However, this would not be sufficient to address the shortfall of amenity space as this would not accommodate the future needs and activities of residents/families who are likely to require

convenient access to suitable outside amenity space within the confines of their property.

17. For the above reasons, I conclude on this issue that the proposed development would not provide adequate living conditions for future occupiers with particular regard to outlook and amenity space provision. It would therefore be contrary to Policy D6 of the LP; Policies 3.5 and 7D of the DPD and London Plan Guidance Housing Design Standards, 2023. These policies amongst other matters, ensure housing quality and standards.

Cycle Parking

18. Policy T5 of the LP promotes cycling and requires that developments provide appropriate levels of cycle parking that are fit for purpose, secure, and well-located.
19. The cycle parking provision would be located to the front of the building but given the configuration of the site including the front building projection, accessing the bike storage provision would be difficult especially when the store is at full capacity. Whilst such details could usually be dealt with via planning conditions, I am not sufficiently satisfied that the access issues could be overcome given the limited space/configuration as shown on the plans. My attention has been drawn to cycle storage hangers nearby, but this would not overcome the issue of accessibility of the storage provided. It would also not accommodate the future needs and activities of residents/families who are likely to require convenient and suitable access to cycle storage within the confines of their property.
20. For the above reasons, I conclude on this issue that the proposed development would not provide adequate cycle parking storage. It would therefore be contrary to Policy T5 of the LP and London Cycling Design Standards, 2014 which together, amongst other matters, explain that development proposals should help remove barriers to cycling and create a healthy environment in which people choose to cycle.

Refuse Storage

21. Policy SI 7 of the LP states that development should be designed with adequate, flexible, and easily accessible storage space and collection systems that support, as a minimum, the separate collection of dry recyclables (at least card, paper, mixed plastics, metals, glass) and food.
22. The plans provided show the provision of 2 large wheelie bins for waste and recycling to the front of the building which would be 1100 litres. The Design and Access Statement explains that it is estimated that the requirement for this building is 1050 litres which is met, and I have no compelling evidence to the contrary. I am also mindful that the Design and Access Statement explains that the refuse storage allowance is based on published waste management guidelines and again I have no compelling evidence to the contrary.
23. For the above reasons, I conclude on this issue that the proposed development would provide adequate food waste storage. It would therefore accord with Policy SI 7 of the LP. A lack of harm in this respect would not however outweigh the other harm that I have identified.

Other Matters

24. I am aware of the matters not in dispute and location of the site to services and amenities. I also note that the proposal would represent biodiversity net gain and relate to brownfield land as well as having a fabric first approach to sustainability. The proposed development would have some social, environmental and economic benefits associated with it including the provision of new housing to help meet targets. To this end, the appellant refers to a previous appeal decision¹ where the Inspector recognised the urgent need to provide new housing in the capital and the Council acknowledged that it cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer). The Council and the Inspector agreed that the 'tilted' balance in paragraph 11 d) would apply. Paragraph 11 d) of the Framework supports the granting of planning permission unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. 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 for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
25. The Council has not confirmed its position in relation to the five-year housing land supply, and I note that the appeal decision referred to is dated 2021 where circumstances could indeed have changed and be different today. Notwithstanding and even if the tilted balance were to be engaged, the above adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
26. I note that the owners have not had any interest in selling the garage as an ongoing operation and thus are exploring the development possibilities. Even so, this would not alter my findings in relation to the above main issues nor would any existing problems associated with the site such as parking etc.
27. The appellant refers to fall back positions under Class E of the General Permitted Development Order. Details of this are however limited to be sure of any fallback position and I have not therefore been able to consider this further.

Conclusion

28. The development conflicts with the development plan when considered as a whole. There are no other considerations, including the provisions of the Framework that individually or cumulatively outweigh this harm. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR

¹ APP/A5270/W/21/3268157