



Appeal Decision

Hearing held on 20 January 2026

Site visit made on 20 January 2026

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 18th February 2026

Appeal Ref: APP/A5270/W/25/3374614

10 Spring Bridge Mews, Ealing, London W5 2AB

- 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 Ashley Francis against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 250406FUL.
 - The development proposed is demolition of existing studio offices and construction of new four storey office building with cycle store and photovoltaic panels.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Prior to the Hearing, the appellant made a written application for an award of costs against the Council of the London Borough of Ealing. This application is the subject of a separate decision. At the Hearing, the Council of the London Borough of Ealing made an oral application for an award of costs against the appellant. This application is also the subject of a separate decision.

Preliminary Matters

3. During determination of the application, two alternative schemes were submitted but not formally considered by the Council. Both alternatives proposed five-storey buildings, whereas the proposal before the Council was for a four-storey building. Prior to the Hearing, the appellant requested that these alternative designs be considered as part of the appeal. However, the Procedural Guide: Planning Appeals – England makes clear that the appeal process should not be used to evolve a proposal and that appeals should ordinarily be determined on the same basis as the application before the Local Planning Authority. Having regard to this guidance, and to the substantive and procedural principles established in *Holborn Studios Ltd v London Borough of Hackney* [2017] EWHC 2823 (Admin), I found the alternative designs would amount to a substantial and fundamental alteration to the proposal that had not been subject to full and formal public consultation. I concluded that the alternative designs could not be accepted, and the parties were advised of this position prior to the Hearing.
4. Reference was made in the Delegated Report to the proposal conflicting with Policies D3 and D4 of the London Plan 2021 (London Plan). However, these policies were not cited in the reasons for refusal notice. The Council acknowledged

this omission and confirmed that conflict with Policies D3 and D4 is not relied upon as a basis for refusing permission.

5. The Council advised that the Ealing Draft Local Plan (Regulation 22) (Draft Local Plan) is at an advanced stage, with a number of examination hearings completed and responses to the action points raised now being considered. While it was noted that initially the Council had requested some revised wording to emerging Policy E3 referred to in the Delegated Report and its appeal statement, it was indicated at the Hearing that no actions, objections or modifications had been raised regarding the policy or its supporting Affordable Workspace Study. Although the Draft Local Plan has progressed to an advanced stage, it has not yet been adopted, and its policies remain open to change. I therefore afford the Draft Local Plan moderate weight for the purposes of this appeal.
6. At the start of the appeal, a signed and dated Unilateral Undertaking (UU) was submitted under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure an affordable workspace contribution (contribution) in accordance with the requirements set out in Policies E1 and E3 of the London Plan and emerging Policy E3 of the Draft Local Plan. Following further discussions on the planning obligation and the level of contribution, a supplementary UU was provided to amend the original and secure the required contribution. While raising some concerns with the UUs, the Council agreed that they would satisfactorily secure the contribution. Notwithstanding this, the appellant disputes the lawfulness of the Council's request for such a contribution, a position the Council does not share. I will consider the UUs later in this decision.
7. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) dated December 2024 and issued a written ministerial statement titled 'Planning Reform: Next Phase'. The main parties agreed that, as both the consultation and the draft Framework are at a very early stage, they carry no weight in consideration of the proposal.

Main Issues

8. The main issues in determination of the appeal are:
 - The effect of the proposed development on the character and appearance of the conservation area; and
 - The effect of the proposed development on the character and quality of the public realm, with particular regard to the sense of enclosure and the experience of using the adjacent footpath.

Reasons

9. Spring Bridge Mews (Mews) comprises a terrace of buildings served by a side access road extending westwards from Spring Bridge Road. The terrace accommodates a mix of commercial and retail uses with some residential elements. At the entrance, a two-storey building fronts Spring Bridge Road, followed by a three-storey block and, at the western end, an L-shaped two-storey mix of built forms. The western end of the Mews building abuts a narrow footpath, which is owned and maintained by the Council. At this point the footpath is also enclosed by high vertical rail fencing on either side and a multi-storey car park

(MSCP) on the opposite side of the footpath. Despite the footpath being well-used, given that it allows pedestrian access to the MSCP and Spring Bridge Road, its width and degree of enclosure make it an unattractive and uninviting space.

10. The appeal site comprises the western L-shaped two-storey mix of building structures within the Mews, together with its associated forecourt and part of the access route from Spring Bridge Road. The proposal would demolish the appeal buildings and replace them with a four-storey L-shaped office block incorporating cycle storage to its frontage. It would be of a contemporary design that would use comparable materials and finishes to that of the modern extension to the neighbouring Christ the Saviour School. The proposal's western end would be extended along the boundary with the public footpath, and the existing high fence would be retained to the remaining part of the boundary.

Conservation Area

11. The appeal site lies within the Ealing Town Centre Conservation Area (CA) and close to several designated heritage assets, including the Grade II listed Christ the Saviour Church. The CA Character Appraisal (2007) identifies two sub-areas: the principal town centre shopping streets (Sub Area 1) and a residential enclave to the south (Sub Area 2). The site falls within Sub Area 1, characterised by Victorian and Edwardian frontages set within a wider mix of contemporary development. It is located behind the shopping frontages of New Broadway and Spring Bridge Road, and the MSCP, Christ the Saviour School and Christ the Saviour Church.
12. The appeal buildings are not specifically identified in the CA Appraisal as making a positive contribution to the CA, and alterations over time have diminished their architectural quality and eroded elements of their historic fabric. Nevertheless, parts of the structures do retain some attractive features that give them a limited degree of heritage significance.
13. In the wider context, the immediate surroundings of the site, excluding Spring Bridge Road and the Mews itself, are dominated by contemporary development. The MSCP, multi-storey commercial/residential block and the modern extension to Christ the Saviour School together create predominantly modern built form in this part of the CA. These developments incorporate varied set-backs, material changes, widened footways and enlarged areas of public space, all of which enhance the clarity, openness and accessibility of the area. Although defensible boundaries to buildings have been maintained, the spacing and separation provided allow the massing and rhythm of these buildings to integrate positively with the established character and functioning of the CA and thus its significance.
14. The main parties agree that, while the appeal building has some limited heritage significance, its demolition would result in less than substantial harm to the CA, at the lower end of the scale. To support the view that this level of harm is very low, the appellant referred to a 2016 appeal decision (related to a 2014 planning application, ref: APP/A5270/W/16/3144337) which considered, amongst other matters, the demolition and replacement of the same building. Although this appeal was dismissed for other reasons, it concluded that the appeal building made a neutral contribution to the character and appearance of the CA. The Council acknowledged the findings of this previous appeal, albeit noting the age of the decision, and still contended that, while limited, the proposal would cause some harm. Based on the evidence before me and my own observations, I see no

reason to reach a different conclusion on the extent of harm identified by the parties.

15. The contemporary design of the proposed building would not be out of keeping with the surrounding part of the CA. However, its greater height and extended built form along the boundary with the footpath, together with the retention of high fencing, would intensify the existing sense of enclosure along the footpath. The footpath supports wider connectivity within the CA, and its quality effects both its functioning and user experience. While the proposal would improve the appearance of the Mews and provide a defended boundary, these factors do not justify the additional harm it would cause to an already uninviting part of the CA. Given the land ownership constraints on the footpath and the modest section affected, the harm caused by the proposal to the CA would amount to less than substantial harm, at the lower end of the scale.
16. Regarding potential refurbishment of the existing building, aside from the identified harm relating to the footpath, the Council provided no substantive evidence to show that the contemporary design of the replacement building, in itself, would harm the significance of the CA. The appellant explained that the existing building would be difficult to adapt and maintain to meet modern requirements, and that reuse was not considered viable. Given the limited contribution the existing building makes to the CA's significance, and in the absence of evidence that refurbishment would secure better heritage outcomes, I see no reason to conclude that replacement of the building is unjustified.
17. It was offered at the Hearing for less intrusive fencing to be used in the proposal and areas of planting incorporated. While these would potentially offer a more positive integration of the proposal into the CA, they would not address the fundamental harm arising from the increased enclosure the proposed building would create on the footpath and the lack of positive integration this would cause to the established character and functioning of the CA.
18. It was further submitted that the 2016 appeal decision also supported the current proposal, as the Inspector in that case considered a five-storey building on the site to be acceptable. However, the scheme before that Inspector integrated the public footpath into the commercial frontage of the development rather than leaving it as a separate entity as in the appeal before me. As such, the circumstances of that earlier proposal are not directly comparable to the proposal before me and do not alter my view on the harm identified.
19. The appellant explained that the appeal site previously featured a high brick wall along the boundary with the footpath, which created a more substantial sense of enclosure than the vertical rail fence that now replaces it. While this may be true, a previous historic presence of a more enclosing structure does not justify the continued or intensified enclosure that would result from the proposal. The effect of the development must be assessed against the CA's present character and functioning, and in this context the proposal would still contribute to harm.
20. Although landscaping and boundary treatment improvements to the MSCP's boundary and undercroft may assist in enhancing the established character and functioning of the footpath in the CA, this does not negate the requirement for the proposal itself to make a positive contribution to this relationship. Furthermore, although the previously approved scheme (LPA Ref: 19462FUL) was ultimately

withdrawn for legal reasons, it nonetheless demonstrates that it could be possible for a scheme in the site to reduce the sense of enclosure experienced along the footpath, irrespective of providing additional public space.

21. Taking all of the above into account, including the statutory duty conveyed to me by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I conclude that the proposal would fail to preserve the character or appearance of the CA. The development would therefore result in harm to the significance of this designated heritage asset.
22. Paragraph 212 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the assets' conservation (and the more important the asset, the greater the weight should be). It further states that this is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Consistent with this approach, Paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
23. In the context of the Framework and as set out above, the harm to the significance of the CA would be at the lower end of less than substantial harm. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the development.
24. The proposal would provide additional employment floorspace, including affordable start-up and small business units. The appellant pointed to strong demand for the existing units, evidenced by rapid take-up of vacancies, requests for additional floorspace and the generally long-term nature of existing tenancies. It was contended that this demand indicated a clear local need, and the increased provision would support local employment, productivity and opportunities for small businesses to invest and grow. Some economic and social benefits would also arise from increased local expenditure by future occupiers. The Council did not dispute these points and acknowledged that employment floorspace growth in the Borough was low. From the details provided, I see no reason to take a different view on these points. However, the uplift in floorspace and number of affordable units would be modest in the context of the Borough as a whole. As such, I consider these benefits should be afforded moderate weight in favour of the proposal.
25. As noted previously, UUs have been submitted with the appeal which would provide a financial contribution towards affordable workspace if the appeal were to be allowed. While there is a disagreement between the main parties regarding the lawfulness of providing such a contribution, if it were to be provided then it would constitute a public benefit. However, in the context of the wider affordable workspace provision the Council is seeking to achieve, it would represent only a very modest component. As such, and despite the uncertainty surrounding its legitimacy, I consider it appropriate to afford this potential benefit moderate weight in favour of the proposal.
26. The proposal would provide increased natural surveillance of the footpath and establish a more clearly defined boundary. It was also suggested that associated lighting and CCTV could offer further benefits. However, the proposed boundary treatment would introduce a noticeable degree of enclosure, and the consistency

or reliability of any surveillance or lighting benefits cannot be assured. Consequently, these considerations carry only limited positive weight in favour of the proposal.

27. The proposal would be in a highly accessible area with good transport links and would regenerate and reinvigorate the appeal site. These are positive factors that weigh in favour of the proposal. However, given the modest scale of the scheme and the fact that some advantages stem from the site's inherent characteristics rather than the development itself, I give them moderate weight.
28. The proposal could be regarded as making more effective use of previously developed land. However, the Framework makes clear that the efficient use of land must also safeguard and enhance the environment, including the historic environment, which the proposal would not achieve in this case. Given the nature and extent of the development, any public benefit arising from the reuse of the land would therefore be limited and I accordingly afford this limited weight in favour of the proposal.
29. Environmental benefits such as solar panels, conservation of heat and building air tightness would also be included in the proposal. While such measures align with the Framework's emphasis on prudent use of natural resources, minimising waste and contributing to a low-carbon economy, they are increasingly commonplace in modern development. For this reason, I attribute these benefits moderate weight.
30. There would also be some short-term economic benefits during the construction phase. Given their temporary and limited nature, these benefits carry limited weight.
31. Subject to the imposition of appropriate planning conditions, it was confirmed that the proposal would not result in harm to neighbouring living conditions, traffic and transport matters, refuse and recycling arrangements or biodiversity. I see no reason to disagree with these findings. However, as new development would ordinarily be expected to avoid harm in these respects, the absence of harm is a neutral factor, weighing neither for nor against the proposal.
32. Taking all identified benefits together, I attribute moderate overall positive weight to the public benefits of the scheme.
33. However, even with moderate overall positive weight, the stated public benefits would not outweigh the great weight that should be given to the CA's conservation or the considerable importance and weight given to the less than substantial harm identified.
34. Accordingly, in the context of my statutory duty under section 72(1) of the Act, I conclude that the proposal would fail to preserve the character or appearance of the CA. It would also conflict with the design and heritage aims of Policy 7C of the Ealing Development Management Development Plan Document 2013 (DPD), Policy HC1 of the London Plan and Paragraph 212 of the Framework.

Footpath

35. As set out above, the public footpath is already a constrained and uninviting route, owing to its narrow width, utilitarian fencing, building-lined boundaries and basic material finishes. Although it is relatively short and provides a direct connection

between the MSCP and Spring Bridge Road, it offers a poor and unattractive experience for those using it.

36. However, while the proposal would bring some limited benefits as detailed previously these would not mitigate the substantial increase in enclosure created by the scale and positioning of the proposed building. The resultant overbearing effect would therefore significantly worsen the character and quality of the space, and this would adversely affect the experience for those using the footpath.
37. Accordingly, the proposal would adversely affect the character and quality of the public realm, particularly in relation to the sense of enclosure and the experience of those using the adjacent footpath. It would conflict with Policies 7.4 and 7B of the DPD, Policy D8 (F and G) of the London Plan, and Policy DAA of the Draft Local Plan, which together require new development to be of high quality and to complement and enhance the public realm.

Other Matters

38. Concerns were raised by the appellant regarding the potential need to transfer part of the appeal site to the Council and the possibility of a planning obligation to secure a contribution towards public realm enhancements. However, the Council confirmed that it has not sought any transfer of land as part of the proposal, and this did not form part of the reasons for refusal. No substantive evidence has been provided to indicate that the Council has requested a planning obligation for a contribution towards public realm improvements. On this basis, there is no reason to consider these matters further.

Conclusion

39. The proposal would fail to preserve the character or appearance of the CA and would adversely affect the character and quality of the public realm.
40. Although completed UUs have been provided and there is disagreement between the main parties regarding their lawfulness, the scheme is unacceptable for other reasons. It is therefore unnecessary for me to consider the need for, or effectiveness of, the submitted UUs, as they would not affect my overall conclusion.
41. For the reasons given above, the proposal conflicts with the development plan and there are no material considerations, including the provisions of the Framework, to indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

J Symmons

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr A Francis	-	Applicant
Mr S Stemp		Counsel
Mr D Lomas		Agent
Mr R Ivie		Architect

FOR THE COUNCIL:

Mr C Neelands	Planning Officer, London Borough of Ealing
Ms J Jin	Planning, London Borough of Ealing
Mr M Price	Planner/Heritage, London Borough of Ealing
Mr B Scantlebury	Counsel

INTERESTED PARTIES:

Mr V Mishiku	The Covenant Movement
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DOCUMENTS SUBMITTED DURING THE HEARING:

Photograph showing people waiting outside De Silva Martial Arts Centre provided by Mr V Mishiku