



## Appeal Decision

Site visit made on 21 November 2013

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 11 December 2013

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### Appeal Ref: APP/A5270/A/13/2199262

#### 43 Castlebar Road, London, W5 2DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Dr O Sahota against the decision of the Council of the London Borough of Ealing.
  - The application Ref PP/2012/5125, dated 21 December 2012, was refused by notice dated 19 March 2013.
  - The development proposed is excavation to provide a basement floor level with stair access to the rear garden; ground floor level rear and side extensions; extension/alteration of pitch of the roof of the existing two storey outrigger; external alterations involving the insertion of first level windows into the rear elevation of the outrigger; rear roof extension to the main roofslope, and conversion of two units into one dwelling.
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#### Decision

1. The appeal is dismissed.

#### Application for Costs

2. An application for costs has been made by the Appellant against the Council of the London Borough of Ealing. This application is the subject of a separate decision.

#### Procedural Matter

3. I use the Council's description of development which is more precise than the application form.

#### Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host property and the locality.

#### Reasons

##### *Character and appearance*

5. The appeal property was built in the late 1800s; it is a substantial detached two storey dwelling with pleasing proportions and elevations which is set within a generous plot. It lies on a prominent corner at the end of a short run of broadly similar properties with a pedestrianised street, Longfield Walk, along its western side boundary. The locality is one of established residential character with generally traditional properties and good sized gardens coming together to

- form a neighbourhood of very attractive appearance. The proposal is as described above.
6. The site lies within the Haven Green Conservation Area. There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
  7. The proposal would represent a significant change in footprint, massing, fenestration, roof form and rear elevational treatment of this property. Amongst other matters the Appellant wishes to add an overly large box type structure to the roof, to markedly alter and excessively increase the height of an outrigger pitch and to add an awkward large modern single storey flat roofed extension. These would all change what is presently a low key and visually polite rear face, with good degrees of symmetry and rhythm in tune with the adjoining properties, to one which was over-developed, incongruous in character and jarring on the eye.
  8. The rear of these properties, not least by being widely visible from public vantage points, represents an important elevation run and this scheme would correspond to substantial harm being caused to its attributes. The specific change proposed to the principal rear roof slope by the upper level 'dormer', which would be too high, too wide and too deep, would certainly not be subordinate. This alteration, whether screened from public realm views or not by the excessive change to the outrigger or by the ridge and contrived gutter arrangement, would be hard to countenance, and in my experience it would run contrary to design guidance in most circumstances; and I could not endorse this scheme in this Conservation Area setting.
  9. The relevant properties in the short row are all detached homes and that is a clear characteristic, an original feature, and an attribute to appearance as viewed from the street. Notwithstanding that a limited structure presently exists, that a gate could hide the proposed side extension, and that there would be set-back, to my mind it would be detrimental to the qualities of this row for the gap between Nos 43 and 41 to be developed as planned. It would be alien development in this locality and would be a further demonstration of the over-enlargement being sought in relation to this property.
  10. Whilst at times it is appropriate to have a corner property displaying boldness and differentiation, with or without Contemporary or Modernist style, in this instance retaining sympathy and harmony would be the proper approach because the quality of the streetscene stems in part from the matching scale and elevations of this group of dwellings. The Appellant's making good of some past works, using matching materials in part, inclusion of a green roof element, carefully selecting windows and improving energy efficiency would not outweigh the harm caused by the proposal as a whole.
  11. Given the above I consider that there would be conflict with the objectives of S72(1) of the Act; there would not be preservation or enhancement of the character or appearance of the Conservation Area. The Ealing Unitary Development Plan, 'Plan for the Environment' (2004) (UDP) embodies Saved Policies 4.1, 4.8, 5.9 and 9.1. These policies amalgamated, and amongst other matters, seek to ensure good quality sympathetically designed development, the safeguarding of local distinctiveness, the protection of Conservation Areas

and delivery of suitably scaled and sensitive buildings. I conclude that the proposal would be in conflict with the relevant development plan policies and I would add that it would fail to accord with the germane preservation and enhancement objectives and pertinent guidance set out in the collaborative Haven Green Conservation Area Management Plan.

*Other matters*

12. I note that neighbours have raised concern over the massing and proximity of the proposed works. I would agree that the appeal scheme would, as a result of these characteristics, lead to a degree of dominance and a sense of being hemmed-in. Open aspects from parts both within No.41 and in its rear garden would unduly diminish. Furthermore the level of actual and perceived overlooking would markedly increase. This reduction in living conditions adds to my concerns over the main issue.
13. I confirm that policies in the National Planning Policy Framework have been considered; the Council's policies which I cite mirror relevant objectives within the Framework.
14. I do acknowledge there would be merit in refurbishment and returning the property to a single dwelling, although I have no evidence that the appeal scheme would be the only viably approach to this. The harm caused by the development would not be outweighed by the public benefit of the proposal. I have carefully considered all the points raised by the Appellant but these matters do not outweigh the concerns which I have in relation to the main issue identified above. Given the nature and scale of the changes proposed the situation is not one which could be ameliorated by the application of planning conditions.

*Overall conclusion*

15. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the host property and the locality. Accordingly the appeal is dismissed.

*D Cramond*

INSPECTOR