



# Appeal Decision

Site visit made on 11 October 2010

by **Gloria McFarlane LLB(Hons)**  
**BA(Hons) Solicitor (Non-practising)**

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

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**Decision date:**  
**20 October 2010**

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## Appeal Ref: APP/A5270/A/10/2122298 140 Southfield Road, London, W4 1AW

- 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 Mr Hadi Sarmadi against the decision of the Council of the London Borough of Ealing.
- The application Ref PP/2009/2942, dated 9 November 2009, was refused by notice dated 23 December 2009.
- The development proposed is 'constructing a double front Edwardian style property in harmony with neighbours property which complies with requirements for zero carbon (Code 6) sustainable development. The property will be a house in four levels'.

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### Decision

1. I dismiss the appeal.

### Main issue

2. The main issue in this appeal is whether the proposal would constitute an over-dominant and cramped form of development out of keeping with the general pattern of development in the area and to the detriment of the occupiers of properties fronting Hatfield Road.

### Reasoning

3. The appeal site is located on the north side of Rugby Road. It is a roughly triangular shape and is adjacent to 140 Southfield Road. There is a two storey building next to No.140 that faces Rugby Road which is numbered '4'. There is also a significant amount of built development at the rear of Nos.140 and 4. Neither No.4 nor the rear development, which are shown on the photographs attached to the Officer's report, are shown on the block plan and the extract from the Ordnance Survey provided with the application. The Parties have, however, provided plans subsequent to my visit showing the current position.
  4. In contrast with the surrounding densely developed two-storey terraced houses the proposal would be a double fronted detached house. The proposal would therefore be out of keeping with the predominant type of residential development in the area. The design of the proposed dwelling would mimic the facades of the adjoining properties in such details as fenestration, articulation and roof form from the front. However, the proposed mansard roof shape at the rear would not be sympathetic with other roof shapes in the area. The dwelling would have two lightwells to serve the basement and these would be features that do not figure in any other dwelling in the immediate vicinity.
  5. The majority of properties in the area have traditional rectangular back gardens that provide separation and space. The amenity space in the proposal would be an irregular, triangular shaped plot at the rear with another irregular triangular plot at the side. The rear garden would be dominated by the
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development at Nos.140 and 4 which is single storey up to the boundary with two storey development set back. Whilst these two spaces together may satisfy the Council's standards in respect of the amount of garden space to be provided, it seems to me that their irregular shapes and proximity to adjacent development emphasise the cramped nature of the proposal.

6. The outlook from the rear of properties facing Hatfield Road would be towards the western elevation<sup>1</sup>. This elevation would have two windows at ground floor level but it would then be unrelieved brick work for two storeys, incorporating the mansard roof. I appreciate that the proposed house would be separated from the rear of the houses in Hatfield Road by their gardens and the accessway but because of its mass and irregular shaped design I consider it would have a detrimental effect on the outlook from those properties.
7. The proposed house would be of considerable size with a basement and three upper floors. Taking this into account, together with the double fronted design and the constraints of the plot which is bounded by development and a narrow accessway, I consider that the proposed house would be over-dominant and would appear cramped onto the appeal site.
8. Saved Policies 4.1 and 5.5 of the Ealing Unitary Development Plan seek to ensure that proposed development is of a high standard of design reflecting the best elements of the character of the surrounding area and that residential development, among other things, relates well to its setting. For the reasons given above I conclude that the proposal fails to comply with these saved policies and I also conclude that the proposal would constitute an over-dominant and cramped form of development out of keeping with the general pattern of development in the area and to the detriment of the occupiers of properties fronting Hatfield Road.

#### **Other Matters**

9. The Appellant has provided a tree report which indicates that no harm would be likely to come to the nearby street tree as a result of the proposal. A planning condition could be imposed to protect the tree during the construction process.
10. The Council was concerned about parking in the area and the Officer's report notes that the Appellant was proposing to enter into an agreement under s.106 of the 1990 Act to restrict parking for future occupiers. No such agreement appears to have been entered into.
11. I accept that some elements of the proposal, such as, sustainability measures, may comply with saved UDP policies but this does not outweigh the harm I have identified above.

#### **Conclusions**

12. For the reasons given above, and taking all matters into account, I conclude that the appeal should be dismissed.

*Gloria McFarlane* Inspector

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<sup>1</sup> Drawing No.08A dated 10 August 2009