



# Appeal Decision

Site visit made on 13 August 2009

by **Isobel McCretton BA(Hons) MRTPI**

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

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

**Decision date:**  
**12 October 2009**

---

## Appeal Ref: APP/A5270/A/09/2103324

### Rear of 23 St George's Road, London W4 1AU

- 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 Oliver Smallman against the decision of the Council of the London Borough of Ealing.
- The application Ref. PP/2008/2105, dated 19 May 2008, was refused by notice dated 20 March 2009.
- The development proposed is a part single/part two storey (plus basement) dwellinghouse, sunken garden, refuse storage and cycle parking.

---

### Decision

1. I dismiss the appeal.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. The appeal site is formed from part of the original side and rear garden of no.23. At present there is a dilapidated garage on the site and the remainder is somewhat overgrown. The site fronts onto Hatfield Road and a rear access lane to properties in Alexandra Road runs along the western boundary. The proposal is for a detached house of a contemporary design. There would be a basement area incorporating 2 bedrooms and a sunken garden at the rear. At ground level there would be the main living/kitchen accommodation and, set back from the frontage, a first floor element which would contain another bedroom. The main part of the building would be white render with areas of wood panelling, and the upper floor would have timber fins on the northern and western elevations. A 'green' living roof is also proposed.
  4. The surrounding area is densely developed with 2-storey, late Victorian terraced houses. As acknowledged in the Officers' committee report, there is no objection in principle to the development of a contemporary building in the area. I accept that the proposal has been carefully designed to a high standard, has been amended to accord with Officers' recommendations and meets the Council's requirements in terms of amenity space. However, in my opinion, the areas of garden space such as this at the rear and end of the terraces are an important feature of the character of the area, giving a welcome visual break in the street scene of tight-knit terraced houses.
-

5. The front corner of the proposed dwelling would extend virtually to the back edge of the pavement in Hatfield Road, projecting beyond the corners of no.23 St George's Road and no.34 Alexandra Road, and would be hard up against the boundary with the alleyway to the west. Although the first floor would be set back from the frontage, I consider that the proposed house would seem cramped on the plot and appear to have been squeezed onto the site. The main facing material would be white render which would add to the visual prominence of the proposed dwelling and its obtrusiveness in the street scene. In my opinion infilling of this site as proposed would not be a positive contribution to the street scene.
6. While Government advice in PPS3<sup>1</sup> advocates the effective use of urban land. However the guidance, along with that in PPS1<sup>2</sup>, also stress the need for respect for the character and local distinctiveness of the area in which development is to take place which I do not consider to be achieved by this proposal. Overall I conclude that the proposal would be detrimental to the character and appearance of the area. As such it would not accord with the objectives of UDP<sup>3</sup> policies 4.1 and 5.5 which, among other things, require respect for the best of the character of the area.

### **Other Matters**

7. The tree report submitted with the application only considers the street tree outside the site in Hatfield Road. It gives recommendations for further investigations as to where the tree roots are to be found, but there is no indication that this has been done or that the results have informed the design of the development. No account is taken of the tree in the garden of no.21 which is more or less on the boundary of the appeal site and which, it seems to me, would be highly likely to be adversely affected by the excavations for the sunken garden. I note that the Officer's report recommended a condition requiring a further tree report prior to the commencement of development, but in my view this presupposes that adequate tree protection could be achieved.
8. Despite concerns of adjoining residents, the appellants have demonstrated that there would not be significant overshadowing of adjacent properties and I am satisfied that this would be the case. However I consider that the first floor element would appear very dominant and obtrusive when viewed from the rear of the nearest properties in Alexander Road especially as there would be no opportunity for planting to soften the impact of the building. Thus I consider that the proposal would not accord with UDP policy 4.1 in this regard.
9. With regard to loss of privacy, it seems to me that the proposed first floor bedroom window would have a direct view into the neighbouring garden at no.21. While some degree of intervisibility between properties is to be expected in an urban situation such as this, this window would be only about 8 metres from the boundary and I consider that the occupiers of no.21 would feel that there was little privacy in their rear garden, especially if the aforementioned tree did not survive.

---

<sup>1</sup> Planning Policy Statement 3: Housing (2005) (PPS3)

<sup>2</sup> Planning Policy Statement 1: Delivering Sustainable Development (2006) (PPS1)

<sup>3</sup> New Plan for the Environment: London Borough of Ealing Unitary Development Plan adopted 2004 (UDP). The policies cited have been saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

10. Local residents are concerned about the additional pressure on on-street parking which would result from the development. There is a Controlled Parking Zone (CPZ) in operation in the area and, at the site visit. I noted that there appears to be heavy demand for on-street parking, with few available spaces. Initially it was proposed that a S106 Agreement would be required to prevent future residents from applying for parking permits. After consultations with the Highways Department, the Officer's report to committee put forward 3 options for dealing with the matter through variations to the legal agreement sought, to allow future residents to apply for a resident's parking permit, to allow only one permit and allow visitors' parking permits or to allow only one permit and no visitors' permits. The Committee overturned the Officer's recommendation to grant planning permission, but it appears did not address this matter as lack of off-street parking provision was not a reason for refusal. The appellant has requested that I consider the first option. However the site has a Public Transport Accessibility Level of 2 which is rated as 'poor'. Added to this there appears to be no replacement parking provision for the original house which itself has been extended. Although the reinstatement of the crossover outside the site would allow for an additional on-street parking space, the lack of parking provision or a legal undertaking to prevent future residents from applying for permits in the CPZ adds to my concerns about the proposal.

### **Conclusion**

11. Despite the support of the current occupier of no.23, for the reasons given above I conclude that the appeal should be dismissed.

*Isobel McCretton*

INSPECTOR