
Appeal Decision

Site visit made on 28 November 2016

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 6 December 2016

Appeal Ref: APP/A5270/D/16/3163169
28 Marlborough Road, Southall UB2 5LW

- 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 Mohinder Singh Sandhu against the decision of the Council of the London Borough of Ealing.
 - The application Ref 163208HH, dated 29 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is a double storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions in the amenity space of 1 to 5 Hansa Close, with regards to sunlight.

Reasons

3. The appeal site is a two storey end terrace property. The row of terraced properties that the appeal site forms part of is set back from Marlborough Road behind a grassed area of open land. At 90 degrees to the appeal site and beyond a gap is a further row of three properties. The nearest is 30 Marlborough Road who have a two storey side extension that abuts the rear amenity space of 1 to 5 Hansa Road. The amenity space of Nos 1 to 5 is sub divided into three areas which extend along the full length of No 28, with the rear elevation of Nos 1 to 5 facing the flank elevation of the appeal site.
 4. The proposal would be positioned on the eastern side of the dwelling. The front elevation of the appeal site faces south, while the amenity space associated with Nos 1 to 5 is to the west of the proposed extension. As a result, the amenity space of Nos 1 to 5 currently receives sunlight in the morning and in the early afternoon. I have regard to plan Ref: 2016/28MR-APL-1/Rev.1.0, but the position of the sun does vary and this plan is only a single angle of how the proposal would affect sunlight received in Nos 1 to 5.
 5. The existing gap between Nos 28 and 30, does allow direct sunlight to infiltrate across the amenity space, albeit not across the full amenity space at the same. Also, the position of the sun does vary throughout the year in relation to the appeal site, especially during winter months when the sun is lower in the sky.
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6. In siting the extension to the side and part-way across the gap to No 30, it would cause a reduction in the sunlight received in the amenity space of Nos 1 to 5. While, I recognise the boundary treatment does lessen the receipt of sunlight, the proposed extension would be much taller and extend considerably closer to the party boundary than the existing house. Thus, by infilling part of the gap, even with the first floor set back, it would result in the loss of sunlight in the amenity area, especially for the central and northern parts. This would have a materially greater effect on the occupants living conditions than the existing built form does, resulting in an unacceptable harm as a good level of sunlight would not be maintained in the amenity space of Nos 1 to 5.
7. Given the distance between the extension and the rear facing windows of Nos 1 to 5, I consider that the extension would not result in a loss of sunlight to the demise of the occupants' internal living conditions. However, this would not alter the impact of the proposal on the occupants' living conditions in their external amenity space.
8. Although planning permission was granted on appeal for Nos 1 to 5, in determining the appeal in 2004 relating to the refused planning application¹, the Inspector will not have considered the effect of the two storey extension that is subject of this appeal.
9. For these reasons, I therefore conclude that the proposed development would significantly harm the living conditions of 1 to 5 Hansa Close, with regards to sunlight. The proposal would not accord with Policy 7.6 of the London Plan and Policy 7B of the Ealing Development Management Development Plan Document (EDMDPD); these policies together, amongst other things, seek to ensure new development does not cause unacceptable harm to the living conditions of adjacent residential occupants, with regard to sunlight.

Other Matters

10. Even though the proposal would relate to the design and character of the property as well as Marlborough Road which means it would, insofar as these considerations are concerned, comply with Policies 7.4 and 7.6 of the London Plan and Policies 7.4 and 7B of the EDMDPD, these matters do not outweigh my findings regarding the living conditions of Nos 1 to 5 Hansa Road.
11. I note there have not been any objections raised by neighbours, however I have determined this appeal in accordance with the development plan, unless material considerations have indicated otherwise.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR

¹ Council Application Ref: P/2003/0636