
Appeal Decision

Site visit made on 30 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/A5270/D/16/3160217

1 Bentley Close, Hanwell W7 3DL

- 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 N Hino against the decision of the Council of the London Borough of Ealing.
 - The application Ref 163368HH, dated 7 July 2016, was refused by notice dated 1 September 2016.
 - The development proposed is a part single, part two storey rear extension together with the installation of a window at second floor level in the rear elevation and a roof extension in the side roof slope
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it appears on the appeal form as, whilst differing from the planning application form, it most accurately describes the development to which the appeal relates. It is clear that the Council are content with this approach since the same description appears on the decision notice. I have determined the appeal on this basis.

Main Issues

3. There are two main issues. These are the effect of the proposed development on a) the living conditions of the occupiers of Number 2 Bentley Close and b) the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached two storey dwelling of a narrow steep gable fronted design. It is of modern, and fairly recent, construction, finished in a mix of painted render and red brick. The wider development is a gated and contained back land site which is surrounded by the rear elevations of other buildings. The rear garden, as well as the same to the adjoining neighbour at No 2, is relatively small, laid to grass and enclosed by high sided timber fencing.
 5. With regard to both main issues, there does not appear to be any disagreement between the parties as to the effect of the proposed dormer window. The orientation of its windows would be such that they would not offer a direct line
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of sight into the private garden areas of existing neighbours and from a design perspective, it would be well contained within the roof slope and use a design and form that is not uncommon of other buildings in the area. For these reasons I do not come to a different view and as such shall focus on the effect of the proposed rear extension.

Living Conditions

6. Whilst I accept that the ground and first floor elements of the proposed rear extension would be stepped off the shared boundary with No 2, both would project rearwards by more than a marginal degree, in close proximity to it. The height and proximity of the side wall of the extension, in respect of both the ground and first floor, would have an adverse effect on both the outlook from and light into the ground floor window in No 2 closest to it.
7. I acknowledge the appellant's argument that the room affected would also have outlook from a set of double patio style doors which I accept would be further away from the aforementioned side wall and be a secondary source of light into the room. However, this would not in my view sufficiently mitigate the harmful over bearing and enclosing effect that the substantial nature of the side wall of the extension would have on the outlook from the closest window. An outlook which would be exacerbated by the flat and featureless design proposed.
8. For these reasons, the proposed development would cause harm to the living conditions of the occupiers of No 2. As a consequence, it would fail to accord with Policy 7.6 of the London Plan¹ and Policy 7B of the Local Plan². These Policies seek to ensure that, amongst other things and along with one of the core principles of the Framework³, new development achieves a high standard of amenity for existing and future uses of neighbouring land and buildings.
9. I note the Council's reference to Policies 7.4 of the London Plan and Policies 1.1, 2.1 and 2.10 of the Core Strategy⁴. However, they appear to be more relevant to matters of design, character and how the Council will achieve their strategic objectives for growth and regeneration.

Character and Appearance

10. The proposed rear extension, by definition, would be to the rear and as such well screened from public view. A public view which in any event would be limited to a gated private residential estate. The design and form of the ground and first floor elements would utilise similar characteristics to the existing dwelling in terms of roof shape and angle, windows and external materials.
11. Therefore, and whilst making the existing dwelling noticeably larger, the proposed rear extension would nevertheless be acceptable in design terms. I do not find therefore that it would be either out of keeping with the neighbourhood or represent an unacceptable disruption to the building pattern created by the pair of semi-detached dwellings.

¹ The London Plan 2015

² The London Borough of Ealing Development Management Development Plan Document 2013

³ The National Planning Policy Framework 2012

⁴ London Borough of Ealing Development Strategy 2026 development Plan Document 2012

12. Consequently, the proposed extension would not cause harm to the character and appearance of the area. Thus, it would comply with Policies 7.4 of the London Plan and Policies 1.1 and 2.10 of the Core Strategy. These Policies, along with section 7 of the Framework, seek to ensure that, amongst other things, new development is of a contextually appropriate design and appearance and respects the character of areas and residential neighbourhoods.

Other Matters

13. I accept that the proposed development comprises a dormer window to the side and an extension over the ground and first floors at the rear. Whilst they may be physically distinct on the exterior of the building, the former relies on the enlarged first floor in terms of the internal arrangement. As such, to allow the dormer alone would require a, albeit minor, redesign to the exterior. Whilst there is no dispute that the dormer window would not cause any material harm, I am unable therefore to issue a split decision in this case.
14. I note the appellant's argument in respect of the allowances under permitted development for the erection of single storey extensions of a longer projection than the proposed development. Whilst this may be the case in respect of the single storey extension, the implementation of these allowances would also rely on a formal submission to the Council, the outcome of which is unknown. In any event I have no such scheme before me and as such can give this position only limited weight in my findings.
15. I further note that the current occupiers of No 2 did not object to the proposed development when consulted. However, the lack of objections in the case of an application for express planning permission is not taken as an indicator that planning permission should automatically be forthcoming. Thus it does not negate the need to make a full assessment of the effects of the development proposed in each case.

Conclusion

16. Whilst I have not found that harm would be caused to the character and appearance of the area, this would be neutral in the balance and as such not sufficient to outweigh the harm that would be caused to the living conditions of the occupiers of Number 2 Bentley Close in the manner that I have set out above. The consideration of development in the context of the amenities of existing and future occupiers of land and buildings is a core principle of the Framework and therefore a matter to which I attach significant weight.
17. For this reason, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR