
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/16/3159971
30 Sunley Gardens, Perivale UB6 7PE

- 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 Mrs Samia Aslam against the decision of the Council of the London Borough of Ealing.
 - The application Ref 163530HH, dated 13 July 2016, was refused by notice dated 8 September 2016.
 - The development proposed is a single storey side/rear infill extension
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development as it is shown on the appeal form since, whilst not matching with the description on the application form, most accurately describes the development to which this appeal relates. It is clear 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 Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of Number 32 Sunley Gardens with specific regard to whether or not it would be overbearing.

Reasons

4. The appeal site is a two storey mid terrace dwelling with an existing flat roof rear projecting extension. Plots in the area are generally narrow and linear with limited rear gardens extending north. There is a low picket style fence between the rear gardens of Nos 30 and 32 with a smaller section of taller close boarded fencing abutting part of the existing extension. The proposed development would extend the existing flat roof rear extension further into the rear garden.
 5. I accept that the proposed development, purely in isolation, would add a contextually small amount of addition projection to the rear. However, the existing extension already projects more than a marginal amount beyond the original rear elevation. This existing extension already has an overbearing effect on the set of patio style doors in the rear of No 32 closest to it as well as
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the experience of the private garden space to the detriment of its occupiers. I am only able to find that the additional projection would, in combination with the existing, exacerbate this situation.

6. I acknowledge the dismissal at appeal for an extension of similar length prior to this proposal coming forward¹. The proposal in that case sought prior approval for a replacement of the existing extension with a larger one. In coming to a view on the effect of the development proposed, the Inspector considered that the length of the projection, coupled with its height, would have an adverse effect on the living conditions of the occupiers of No 32 in the manner described.
7. Whilst the proposal before me differs in the fact that it would maintain the height of the existing extension, the overbearing effect on the living conditions of the occupiers of No 32 was not solely limited to its height in the previous case and the extent of the projection was equally harmful. The overall projection of the proposed extension in the case of the proposal before me would be very similar.
8. For these reasons, I am unable to find that the proposed development would be acceptable in the context of the living conditions of the occupiers of Number 32 Sunley Gardens. As a result, it would conflict with Policy 7.6 of the London Plan² and Policy 7B of the Local Plan³. These Policies seek to ensure that, amongst other things and along with one of the core principles of the Framework, new development does not harm the amenities of existing or future occupiers of land or buildings.
9. I note the Council's reference to Policy 7D of the Local Plan. However, this Policy appears to be more relevant to ensuring that new development which increases the demand for open space will be expected to make an appropriate contribution towards the provision of additional space.

Other Matters

10. My attention is drawn to a number of examples of similar sized extensions, and in some cases longer, that have been allowed on appeal by other Inspectors. The examples given are reasonably local to the appeal site. Whilst I note their findings, I have only been provided with copies of the decisions in the majority of cases, and plans only for the Northolt decision⁴.
11. In this case the dwelling was an end of terrace and the closest affected dwelling benefitted from substantial boundary treatment. For these reasons, amongst others, the appeal was allowed.
12. The type of dwelling, its situation and relationship with other dwellings as well as boundary treatment were clearly determinative in the Inspectors findings. Matters which are not directly comparable to the appeal site. In coming to a view on the proposed development before me as part of this appeal I have had regard to matters which are specific to it and its context, determining the appeal accordingly on its own merits.

¹ Local Planning Authority ref PAN/2014/4530, appeal ref APP/A5270/D/15/3002933

² The London Plan 2015

³ The London Borough of Ealing Development management Development Plan Document 2013

⁴ APP/A5270/D/16/3152624

Conclusion

13. For the above reasons and having regard to all other matters raised therefore, the appeal is dismissed.

John Morrison

INSPECTOR