
Appeal Decision

Site visit made on 12 December 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 11th January 2017

Appeal Ref: APP/A5270/W/16/3156390
22A Hoylake Road, Acton, London W3 7NP.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr G Zivaljevic against the Council of the London Borough of Ealing.
 - The application Ref PP/2015/6736, is dated 17 December 2015.
 - The development proposed is the retention of bungalow with rooms in the roof space (amendment to planning permission P/2010/4544/renewal of PP/2007/3342-LB).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal is made against a failure to give notice within the prescribed period of a decision on an application for planning permission. The Council has not made any written submissions to this appeal and therefore I have identified the main issues from the appellant's Grounds of Appeal and my own observations.
3. The appeal scheme relates to alterations to an approved scheme for a bungalow in the rear garden of 22 Hoylake Road (LPA ref: P/2010/4544). These alterations briefly comprise the formation of a first floor containing two en-suite bedrooms, alterations to the height and form of the roof, the introduction of fenestration to the rear elevation at first floor level and various other superficial changes. Collectively these alterations are significant and change the nature of the property from a modest 3-bedroom bungalow as approved to a 5-bedroom family dwelling.
4. At the time of my visit I saw that work has already commenced in relation to the proposed scheme and is at an advanced stage with the stairs and first floor substantially complete. I have dealt with the appeal on that basis.

Main Issue

5. In view of the above, I consider the main issues to be the effect of the proposal on, firstly, the living conditions of neighbouring occupiers with particular regards to overlooking and, secondly, the effect of the development upon the character and appearance of the area.
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Reasons

Living conditions

6. The proposal introduces a row of windows to the rear elevation at first floor level. These would face the rear garden of 59 St Andrews Road to the east at close quarters. 45-degree splay lines drawn from the windows would encompass the majority of the garden of No 59 as well as some of that to 20 Hoylake Road. The windows would be particularly apparent to the occupiers of No 59 where they would loom just beyond the boundary fence. Their elevated position would compound the perception of being under surveillance.
7. Whilst I accept that a degree of overlooking is inevitable given the site's context within a built-up residential area, I am not persuaded on the evidence before me that the level of overlooking would be typical to that between other neighbouring properties in the vicinity.
8. I therefore conclude that the proposal would give rise to a level of overlooking that would unacceptably impinge on the living conditions of the occupiers of No 59. It would thus conflict with one of the *National Planning Policy Framework's* Core Planning Principles to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Character and appearance

9. The appeal property occupies a corner plot between 20 and 22 Hoylake Road. It is set back some distance from the road and is at a lower level than No 22, the host property. Consequently, it occupies a somewhat inconspicuous location and is not prominent in the street scene.
10. The surrounding area is residential in nature and characterised by 2-storey semi-detached and terrace properties. Whilst there is some uniformity in terms of the spaces between dwellings, their set-back from the road and scale, there is significant variation in terms of detailing and facing materials. Its distinctiveness as an area has also been vitiated by both the widespread loss of front gardens to paved parking areas and pre-existing backland development. I do not therefore consider the area is particularly notable or sensitive in architectural or streetscape terms.
11. The changes to the roof and other alterations are mainly to the rear elevation and would not therefore be visible from the public domain. Viewed from the street I find that the appearance of the building would be little different to that previously approved. Based on the foregoing and bearing in mind the Council has not alleged any harm in this regard, I conclude that the proposal would not have an unacceptable effect on the character and appearance of the area.

Conclusion

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

D. M. Young

Inspector