

Appeal Decision

Site visit made on 10 February 2017

by F Rafiq BSc (Hons), MCD, MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/A5270/D/16/3162911

8 Sunningdale Avenue, Acton, W3 7NS

- 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 Sofiane Belbegra against the decision of the Council of the London Borough of Ealing.
 - The application Ref 162643HH dated 3 June 2016 was refused by notice dated 23 August 2016.
 - The development proposed is to build first floor extension, flat roof with 2 skylights.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on the living conditions of neighbouring occupiers with regard to outlook and on the character and appearance of the host property and the area.

Reasons

Living Conditions

3. The appeal proposal seeks permission for a first-floor rear extension above an existing single storey rear addition. The proposal would extend across the width of the property and would have a depth of around 3.7m, in line with the existing ground floor extension. The adjoining property, No. 6 Sunningdale Avenue has a first floor window situated on its rear elevation in close proximity to the boundary with the appeal site. Whilst I note the proposal would have a flat roof form that would be substantially lower than that of the main roof, the close proximity and the height and depth of this extension would severely impact on the outlook from this neighbour's window.
4. My attention has been drawn to the pattern of development in the area, and although I was able to see the presence of ground floor and roof extensions, none of the properties on the appeal terrace had been extended at first floor level. Although the existing rear gardens provide an element of openness, the proposal would result in the appeal property having a greater mass and bulk which would have an overbearing impact on the rear amenity spaces of

adjoining properties, that would be in very close proximity to the appeal extension.

5. For the reasons given above, I conclude that the proposal would cause material harm to living conditions of neighbouring occupiers. Of the policies quoted in the refusal notice, I consider Policy 7A of the Development Management Development Plan Document (DM DPD) to be of most relevance to this aspect of the proposal. It would be contrary to this policy which requires, amongst other matters, for development to not erode the amenity of surrounding uses. It would also conflict with Paragraph 17 of the National Planning Policy Framework (Framework), which requires, amongst other matters, a good standard of amenity for all existing and future occupiers of land and buildings.

Character and Appearance

6. The appeal property is situated in an area that consists mainly of two storey terraced properties which are constructed on consistent building lines and incorporate features such as two storey front bays. This arrangement and the simple form of properties contributes to the pleasant residential character of the area.
7. The proposal would be sited to the rear of the property where a variety of additions to the appeal and nearby properties can be seen. Although I recognise the extension would have a box-like form, given the proposed flat roof, many of the other ground floor extensions visible in the rear streetscene have a similar design. The Council raise concerns in relation to the height of the extension and the lack of visual relief or interest when viewed from neighbouring sites, but I consider the proposal would have a simple form that would assimilate with the existing house with materials to also match it.
8. I therefore conclude that the proposed development would not have an unacceptable adverse effect on the character and appearance of the host property or the area and there would be no conflict with Policy 3.5 of The London Plan, Policy 1.1 of the Council's Development Strategy Development Plan Document and Policy 7.4 of the DM DPD, which are considered to be of most relevance to this aspect of the proposal. There would also be no conflict with the Framework, which states at Paragraph 17 that planning should seek to secure high quality design.

Other Matter

9. My attention has been drawn to another appeal¹ which has been cited as a similar case. I do not have any details or the circumstances of this development before me and the extent to which it is comparable to the case before me. In any event, I am required to determine the appeal before me on its own merits.

Conclusion

10. I have found in the appellant's favour in relation to the issue of the effect on the character and appearance of the host property and the area. However, I

¹ APP/M5450/D/15/3005566

conclude that the appeal proposal would be unacceptable in relation to the effect on living conditions.

11. For the reasons given above and having considered all other matters raised, including the lack of harm by overlooking, the appeal should be dismissed.

F Rafiq

INSPECTOR