
Appeal Decision

Site visit made on 23 October 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

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

Decision date: 06 November 2017

Appeal Ref: APP/A5270/D/17/3180080
55A St Andrews Road, Acton W3 7NF

- 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 Mohamed Dawood Younis against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 171919HH, dated 18 April 2017, was refused by notice dated 13 June 2017.
 - The development proposed is the erection of two storey side and two storey part single storey rear extension and internal alteration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of the appeal are the effect of the proposal on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) the living conditions of the neighbouring occupiers at 55 St Andrews Road, with particular regard to loss of sunlight, outlook and sense of enclosure.

Reasons

Character and appearance

3. The appeal site is located on the western side of St Andrews Road, the character of which is predominately residential. The appeal property is the result of a two storey side and rear extension to 55 St Andrews Road which was granted planning permission in 2008¹. A Certificate of Lawfulness was approved² in 2016 to allow use of the extension as a separate dwelling house. A further planning application for a single storey rear/side infill extension and part two storey rear extension was refused planning permission in 2011³ due to the proposal representing an incongruous form of over development of the site. Whilst no details in relation to this application have been provided, the Council in their submitted evidence, state that the proposal which is the subject of the appeal before me is larger than the scheme refused in 2011.
4. The appeal property is located within a modest plot. The two-storey extension on the front elevation would follow the existing building line and would be of a

¹ Council reference P/2008/0544

² Council reference 164841CPE

³ Council reference PP/2010/2037

similar height. In regard of the side elevation, this would be set in approximately 20 centimetres from the side boundary. Turning my attention to the rear elevation, the hipped roof would be set down approximately 1 metre from the existing rear ridge line, with the ground floor aspect being the whole width of the rear of the host property.

5. Given the proposed height and depth, the extension would represent a sizeable addition which would dominate the relatively modest proportions of the host property. As such, the extension would be seen as an unduly dominant and incongruous addition within a relatively cramped plot. As such, the proposal would fail to remain subservient to the host property.
6. In these circumstances, whilst reasonably localised in its extent, the effect of the proposal would be to unacceptably diminish the character and appearance of the host property, with consequent harm to the character and appearance of the surrounding area. The appeal scheme therefore runs contrary to the design aims of Policies 7.4 and 7B of the London Borough of Ealing Development Management Development Plan Document 2013 (the DPD), Policies 7.4 and 7.6 of The London Plan 2016 (TLP) and guidance contained within the Interim Supplementary Planning Document 4 – Residential Extensions (the SPD).
7. The proposal would also run contrary to one of the National Planning Policy Framework's (the Framework) core planning principles of seeking to secure high quality design.

Living conditions

8. The proposed rear ground floor, single storey extension would have a depth of approximately 4.5 metres and a height of some 3 metres. Given the proximity of No 55, and the proposed depth of the ground floor extension, it is considered that the scheme would appear as an overbearing and intrusive feature which would reduce the degree of outlook experienced from the ground floor habitable rooms of No 55. This would subsequently result in an unacceptable sense of enclosure.
9. In addition, given the depth and height, the level of sunlight experienced in the rear outdoor amenity space of No 55 would be impacted upon. It is noted that the appellant contends that the proposal would comply with the Building Research Establishment (BRE) guidelines that at least 50% of areas such as rear gardens should receive a minimum of 2 hours of sunlight on 21 March each year. No calculations in regard of this guidance have been provided in relation to the proposal. As such, I am therefore unable to confidently ascertain that adequate levels of sunlight would be experienced by the neighbouring occupiers at No 55.
10. In assessing the scheme against the existing and proposed site circumstances, it is considered that the proposal would harm the living conditions of the neighbouring occupiers at No 55 regard to a sense of enclosure, outlook and impact on sunlight. As such, the proposal fails to accord with the overall amenity protection aims of Policies 7.4 and 7B of the DPD, Policies 7.4 and 7.6 of TLP and guidance contained within the SPD.

Conclusion

11. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR