



Appeal Decision

Site visit made on 25 July 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 9 August 2019

Appeal Ref: APP/A5270/D/19/3229955

23 Old Oak Road, Acton W3 7HN

- 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 David Parry against the decision of the Council of the London Borough of Ealing.
 - The application Ref 191377HH, dated 25 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is the erection of a mansard roof extension to existing outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The occupiers of 36 First Avenue requested that my site visit included viewing the proposed development from their property. However, although attempts were made to undertake such a visit it was not possible to do so. However, I was able to view the outbuilding subject of this appeal and its relationship to No. 36 from the rear vehicular access.
3. The draft London Plan (2017) has yet to be adopted and is given only limited weight in the determination of this appeal.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area and (b) the living conditions of the occupiers of neighbouring properties, in particular the occupiers of 21 Old Oak Road.

Reasons

Character and Appearance

5. The appeal property is a single storey outbuilding with a flat roof located within the rear garden of a dwelling situated within a predominantly residential area. The rear gardens of the dwellings fronting Old Oak Road and First Avenue are separated by a surface vehicular access. Within their rear gardens some of these dwellings have flat roof single storey outbuildings albeit there is an exception where one building has a pitched roof. No details of the planning circumstances of these other outbuildings have been provided but their

contribution to the character and appearance of the surrounding area have been taken into account.

6. Although a mix of terrace and semi-detached properties of varying heights and designs, the surrounding dwellings are generally of traditional construction with pitched roofs. Some of the dwellings have been altered, including flat roof extensions to roofs and at the rear.
7. The proposed development comprises the replacement of the property's flat roof by a mansard roof with steeply pitched tiled sides. The existing roof is claimed by the appellant to be of poor quality. Although intended to be used for storage associated with the current use as a home office, visually the extended property would have the appearance of a box like 2-storey outbuilding. By reason of scale, the scale and bulk of the proposed roof extension would not represent a subordinate addition to the property. Instead, rather than being complementary to the built pattern of development within the rear gardens, the bulk, height and roof form of the resulting property would appear incongruous when compared to the design and scale of other near-by outbuildings and the roof forms of neighbouring dwellings.
8. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area and, as such, it would conflict with Policy 7.4 of the Ealing Development Management Development Plan Document (DPD). Amongst other matters this policy requires development within the urban area to complement their building patterns and scale. No specific conflict with Policy 2.1(c) of the Core Strategy (CS) and DPD Policy 7B has been identified for this issue. CS Policy 7.6 has not been provided and it is unclear from the document whether such a policy exists.

Living Conditions

9. Although there would be an increase in height, there is sufficient separation distances between the resulting property and the dwellings fronting First Avenue to avoid the appearance of the appeal scheme being an overbearing form of development. This separation distance to these dwellings would be assisted by the vehicular access. For the same reasons, the proposed development would not adversely affect levels of daylight and sunlight reaching the rear windows and gardens of these dwellings. The absence of any openings within the proposed roof would result there being no overlooking or loss of privacy to the occupiers of these dwellings.
10. Similar considerations to the assessment of the effect on the occupiers of the dwellings fronting First Avenue apply equally to the occupiers of 21 Old Oak Road. This neighbouring dwelling is sited a sufficient distance from the rear windows of No. 21 so as not to affect levels of day and sun light reaching these openings. Further, the separation distance from the dwelling would mean that the appeal scheme would not be an overbearing form of development for the occupiers of No. 21 when viewed from their rear openings.
11. The property is sited to the north of No. 21 and, although adjacent to the shared boundary, this orientation would mean that even with the addition of the proposed bulky mansard roof there would be no material reductions in levels of day and sun light reaching the rear portion of the amenity space. Further, although taller and bulkier, the size of the garden of No. 21 and the

siting of the resulting property means that the appeal scheme would neither lead to an unacceptable sense of enclosure along the shared boundary nor be an overbearing form of development for these neighbouring occupiers when using their amenity space.

12. For the reasons given, it is concluded that the proposed development would not cause significant harm to the living conditions of the occupiers of neighbouring properties, in particular the occupiers of 21 Old Oak Road, and, as such, it would not conflict with DPD Policy 7B. This policy requires a high standard of amenity for adjacent users, including good levels of daylight and sunlight and development not to impair visual amenity. Under this issue, no specific conflict with DPD Policies 7.4 and 7D concerning local character and open space provision have been identified.

Other Matters

13. Whether, as claimed by some residents, the extended outbuilding could be used as an independent dwelling and potentially cause parking and traffic problems are not matters for me to determine as part of this appeal. The appeal scheme before me is solely for the proposed roof extension.

Conclusion

14. Although the proposed development would not cause significant harm to the living conditions of the occupiers neighbouring properties, in particular the occupiers of 21 Old Oak Road, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the character and appearance of the surrounding area. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR