



Appeal Decision

Site visit made on 7 October 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th October 2019

Appeal Ref: APP/A5270/W/19/3233423

20 and 22 Norwood Road, Southall, Middlesex UB2 4DL

- 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 W C Wu and Mr D Kallha against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192157HH, dated 14 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is "Joint applications No.20 & 22 – part first floor rear extension".
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Decision

1. The appeal is allowed, and planning permission is granted for a first-floor rear extension at 20 and 22 Norwood Road, Southall, Middlesex UB2 4DL in accordance with the terms of application Ref 192157HH dated 14 May 2019, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MD/4094-06/NM - Location and block plan, MD/4094-01/NM - Existing ground floor plan, MD/4094-02/NM - Existing first-floor plan, MD/4094-03/NM - Existing elevations, MD/4094-04/NM - Proposed first-floor plan and MD/4094-05/NM - Proposed elevations.
 - 3) All external materials to be used in the development shall match the appearance of those of the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows other than those expressly authorised by this permission shall be formed in the walls of the permitted extension.
 - 5) The development permitted shall be commenced and completed in its entirety and simultaneously for both 20 and 22 Norwood Road.

Procedural matters

2. The application form only refers to 20 Norwood Road and to Mr Wu and Mr Kallha. The appeal form refers to Mr W C and D D Wu and Kallha. I have sought clarification and applied the correct details to the above banner heading.

Main Issue

3. The main issue is the effect of the proposed extension on the living conditions of 18 Norwood Road (No 18) and 24 Norwood Road (No 24), with particular regard to outlook, daylight and sunlight.

Reasons

4. The appeal site consists of two dwellings. They consist of the end two units of a row of terraced properties. These dwellings on site possess single storey flat roof rear extensions. The site is also adjacent to a pair of semi-detached properties. The adjacent properties on either side have sizeable two-storey returns.
5. Planning approval was granted in 2018¹ to extend both properties with a 3m deep first floor rear extension. The proposal is wider and deeper than the extant approval. However, the approval presents a realistic fall-back position. I have no reason not to assume that this would be implemented if the proposal was declined.
6. No 18 has a small window on its main rear elevation and a large first floor side window on its return. Purely for convenience I shall refer to this large window as 'window A'. The small window has been compromised by a side extension which has widened the return and located Window A to within around 1m of the side boundary. Window A appears to serve a bedroom. This overlooks the flat roof single storey extensions of the appeal sites. No 18 also has a ground floor side window serving a room that also appears to benefit from a large rear window.
7. The proposed extension would be around 3m from Window A. Its outlook is already compromised to some extent due to the proximity of the existing rear elevation of No 20. It would also be further affected by the extant approval. In contrast, the degree of proposed change would be relatively limited. The proposed extension would maintain an oblique outlook to the rear of the plot. Furthermore, the effect of the proposal would be partially mitigated by the maintained intervening distance. Furthermore, the proposal would not result in a significant sense of enclosure due to the existing nature of adjacent built form and prevailing character of the area. Therefore, whilst the outlook from Window A would be affected it would not be materially harmed.
8. In terms of sunlight, Window A is east facing. The proposal would therefore have some effect on early morning light. However, intervening existing buildings would limit access to sunlight and the effect would therefore be relatively slight. In terms of daylight, the room would still receive a reasonable level of ambient light, taking into account its existing compromised orientation. It would therefore not be substantially affected by the proposal. Consequently, the living conditions of the occupiers of No 18 would not suffer a significant effect as a result to the proposal in regard to outlook, sunlight or daylight.
9. No 24 is a traditional terrace dwelling with first-floor rear and side windows that look onto a flat roof single storey extension enclosing the side of their return. The side window is relatively small and would be unlikely to serve a habitable room. The window on the rear elevation is large and appears to serve a bedroom. The bedroom window has an outlook to the rear of the plot.

¹ Planning Application Reference: 180861HH

Consequently, the majority of its field of vision would be unaffected by the proposal. Some evening sunlight may be reduced to this window. However, this would be limited due to the separation distance and orientation of existing surrounding buildings. Furthermore, daylight would also only be affected to a limited extent. Subsequently, the living conditions of No 24 would not be significantly affected by the proposed rear extension.

10. Accordingly, the proposal would comply with Policy 7B of the Ealing Development Management Development Plan 2013, which requires development to achieve a high standard of amenity for users and adjacent users. Furthermore, the proposal would also comply with policy 1.1g of the Ealing Development (Core) Strategy 2012, which seeks to protect and enhance suburban communities. Moreover, the proposed extension would satisfy policies 7.4 and 7.6 of the London Plan 2016, which seek development to have regard to the form, function and structure of an area and not cause harm to the amenity of surrounding buildings. These policies and objectives are in general accordance with the objectives of the National Planning Policy Framework.

Conditions

11. I have considered the use of conditions in line with the Government's Planning Practice Guidance. Condition 4 would remove Permitted Development (PD) rights for new windows. The Framework advises that conditions should not be used to restrict PD rights unless there is clear justification to do so. Also, the Planning Practice Guidance states exceptional circumstances should be shown when removing these conditions. In this case, neighbouring side windows are relatively close. Therefore, without such a condition the living conditions of neighbouring occupiers could be substantially affected by overlooking. Therefore, the condition is necessary and would satisfy paragraph 55 of the Framework.
12. Condition 5 is necessary to prevent either property being extended in isolation, such a scenario would demonstrably harm the living conditions of the other. Consequently, the conditions have been applied that are necessary in the interests of certainty [1 and 2], to safeguard the character and appearance of the area [3] and to protect living conditions of existing and future residents [4 and 5].

Other matters

13. The officer report refers to a '45-degree rule of thumb'. However, the Council has not identified that this is enshrined in local policy or how it would be applied in this case. As such, I have only been able to afford this limited weight.

Conclusion

14. For the above reasons the appeal is successful and planning permission is granted.

Ben Plenty

INSPECTOR