



Appeal Decision

Site visit made on 27 November 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 07 January 2020

Appeal Ref: APP/A5270/D/19/3237147

10 Perivale Gardens, West Ealing W13 8DH

- 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 Bin Koura against the decision of the Council of the London Borough of Ealing.
 - The application Ref 192082HH, dated 10 May 2019, was refused by notice dated 5 July 2019.
 - The development proposed is for a single storey rear orangery extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed single storey rear extension is already in place. The application is therefore retrospective and I have determined the appeal on the same basis.
3. The Council's decision notice describes the proposed development as a single storey extension, part single storey side extension and raised rear patio. However, both the planning application forms and the submitted plans only refer to the rear extension. My determination of the appeal is therefore made on the same basis, considering only the single storey orangery. Issues relating to lawfulness of existing structures are therefore not matters for me to consider in the context of this appeal.

Main Issues

4. The main issues are:
 - (a) the effect of the development on the character and appearance of the wider area and;
 - (b) the effect of the development on the living conditions of the occupiers of No 9 Perivale Gardens, having particular regard to sunlight, daylight, outlook and privacy.

Reasons

Character and Appearance

5. The appeal property is a two-storey, end-of-terrace residential house located on the northern side of Perivale Gardens and adjacent to Pitshanger Park.

6. Due to the appeal property's end terrace position, the new rear extension with its lantern roof is visible from this public area. This on its own does not have an unacceptable impact on the visual amenity of the area, due to it being set in from the boundary and partially screened by fencing and faux greenery.
7. However, the rear extension adjoins an existing side extension, which runs almost the full length of the house, projects beyond the side elevation by approximately 3m and is situated close to the park boundary. When viewed from the adjacent park, despite the partial boundary hedging, the cumulative visual impact of development gives the property a cramped and over-developed appearance. The combined effect of the rear extension, in conjunction with the existing alterations, is one of a solid, continuous and unbroken structure along the boundary with the public realm. This detracts from the character and appearance of the immediate surrounding area.
8. The Council has previously granted Prior Approval (Ref: 185194PALHE) for a 6m deep rear extension. However, this fallback position required the part demolition of the existing side extension, which does not form part of the proposal before me. The circumstances are therefore materially different and the approved scheme does not justify allowing this appeal.
9. Consequently, I conclude that by reason of the development's cumulative size, scale and mass it conflicts with policies 7.4 and 7B of the Ealing Development Management, Development Plan Document 2013 (DPD), 7.4 and 7.6 of The London Plan (2016), 1.1 and 1.2 of the Ealing Development Strategy 2026 (2012) and section 12 of the National Planning Policy Framework (Framework). Of the policies referred to me by the main parties, these are the most relevant, and require that development respect the local character and appearance in relation to scale and mass and provide a positive visual impact.

Living Conditions

10. The appellant has submitted a daylight/sunlight study which was carried out as part of the Prior Approval of the 6m rear extension. This study is still relevant in this appeal, as the height of the eaves on the new extension have not changed from the original proposal. The report clearly shows that the properties are north facing and that there will be little impact on the adjoining property in relation to sunlight and daylight.
11. The 45-degree line, as taken from the ground floor window of No 9, has been referenced by the Council. However, no evidence has been submitted by either party relating to this matter. It is clear that this extension only protrudes marginally further (approximately 0.37m) than the permitted scheme, and is only 3m in height with a flat roof and a glass lantern, which is set in by over 0.6m from the eaves. Consequently, I consider the scale and mass of the structure to be acceptable and it does not have a detrimental impact on sunlight, daylight and outlook to the occupants of No 9.
12. The rear extension is accessed from a raised patio which is above the level of the garden. However, it was evident that the appellant had taken measures to ensure the privacy of No 9 and other neighbouring properties, as a latticework fence had been erected on top of the boundary wall, which prevents views into the neighbouring gardens from this patio.

13. I therefore consider that the development does not have a detrimental impact on the living conditions of the occupiers of No 9 Perivale Gardens, with particular respect to sunlight, daylight, outlook and privacy. In this regard the proposal complies with policies 7B of the Ealing DPD and 7.6 of the London Plan. Together these require that development must ensure good levels of daylight, sunlight, privacy and a positive visual impact. The appellant has also referenced Policy 7A of the DPD, but this policy relates principally to emissions. As such, I also find no conflict with its aims and objectives.

Conclusion

14. The appeal proposal does not harm the living conditions of the occupiers of No 9. However, it does detract from the character and appearance of the area. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D Hilton-Brown

INSPECTOR