



Appeal Decisions

Site visit made on 19 May 2020

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th July 2020

Appeal A Ref: APP/A5270/D/20/3245143

31 Kingshill Avenue, Northolt, Middlesex UB5 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Claudiu Taropa against the decision of the Council of the London Borough of Ealing.
 - The application Ref 195040PALHE, dated 25 November 2019, was refused by notice dated 19 December 2019.
 - The development proposed is described as 'the proposed single storey extension will replace the existing out-dated rear extension. It is proposed that the current extension extends beyond the rear wall by 5.5m. The highest point of the extension is 3.0m. The proposal and the design is in harmony with the current house and adjoining buildings, with similar materials proposed for construction. The highest part of the extension will be at 3.0m. The extension will not adversely impact on the amenity, sunlight, or quality of space in any of the adjoining neighbours to the property.'
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Appeal B Ref: APP/A5270/D/19/3241875

31 Kingshill Avenue, Northolt, Middlesex UB5 6LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Claudiu Taropa against the decision of the Council of the London Borough of Ealing.
 - The application Ref 194333PALHE, dated 7 August 2019, was refused by notice dated 6 November 2019.
 - The development proposed is described as 'the proposed single storey extension will replace the existing out-dated rear extension. It is proposed that the current extension extends beyond the rear wall by 6m. The highest point of the extension is 3.4m. The proposal and the design is in harmony with the current house and adjoining buildings, with similar materials proposed for construction. It features a modern parapet wall around the flat roof. Therefore the top of the flat roof is situated at 3.0m, while the top of the parapet wall sits at 3.4m. The extension will not adversely impact on the amenity, sunlight, or quality of space in any of the adjoining neighbours to the property.'
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Decisions

Appeal A Ref: APP/A5270/D/20/3245143

1. The appeal is dismissed.

Appeal B Ref: APP/A5270/D/19/3241875

2. The appeal is dismissed.

Procedural Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. The Council altered the description of the proposal under Appeal A to 'single storey rear extension (Max 5.5m deep and Max 3m high) (following demolition of single storey rear extension) (42 days Prior Notification Process)'. The Council altered the description of the proposal under Appeal B to 'single storey (Max 6m deep and Max 3.4m high) rear extension (42 days Prior Notification Process)'. These are more concise descriptions than those given on the application forms and used in the banner headings above and are also the descriptions used by the appellant on the appeal forms. I have therefore considered the appeals on this basis.
5. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4 (7) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. I have determined the appeals on the same basis.
6. Following some delay, the Council notified interested parties of Appeal B on 30 June 2020. I have waited for the expiry of the period given for parties to withdraw representations made on the application before issuing the decision.

Main Issue

7. The main issue in both Appeal A and Appeal B is the effect of the proposed development on the amenity of the occupiers of 29 Kingshill Avenue.

Reasons

Appeal A

8. There is an existing single-storey projection to the rear of the semi-detached dwelling on the appeal site. Adjacent to the shared access to the side of the appeal dwelling, this has a hipped roof form, but closest to the boundary with the attached neighbour at 29 Kingshill Avenue, it is lower and has a roof that reduces slightly in height towards the rear. No 29 also has a single-storey rear projection of similar depth to that on the appeal site, but this is set away from the boundary which is marked by close boarded fencing.
9. The proposed extension would be deeper than the existing rear projection with a depth of around 5.5m. It would have a flat roof which, notwithstanding the reference to a maximum height of 3.4m within the description of development, the submitted plans indicate it would be 3m high.
10. The neighbouring dwelling at 33 Kingshill Avenue has an existing projection to its rear, and given the spacing provided by the shared access and the single storey height of the proposed development, I agree with the Council that the proposed extension would not cause detrimental loss of light or outlook, or other unacceptable harm to the amenity of the occupiers of this dwelling.
11. However, in comparison to the existing rear projection on the appeal site, the extension would be of increased depth and height, and would be of notably

greater height than the section of existing fence to the boundary with No 29 which it would replace. The development would be set close to the patio doors to the rear elevation of this neighbour and would present a long blank wall along the boundary. As a result, the height and significant depth of the extension together with the proximity to the boundary would combine to result in an overbearing feature and would cause a loss of outlook. In conjunction with the existing projection to the rear of No 29, the development would also give rise to a harmful sense of enclosure. These impacts would be detrimental to both the windows and patio area immediately to the rear of the dwelling.

12. Moreover, while the rear of No 29 faces generally south, the scale and proximity of the extension to the boundary would be likely to result in overshadowing to the windows and patio in the late afternoon and evening, and an overall reduction in the level of light received.
13. For these reasons, the proposal would cause unacceptable harm to the amenity of the occupiers of No 29.

Appeal B

14. I have already found that the bulk, height and proximity of the development under Appeal A would be detrimental to the amenity of the occupiers of No 29. Under Appeal B, the extension would be of increased depth, with this further exacerbating the impact of the development and the unacceptable harm to the amenity of the occupiers of No 29.

Other Matters

15. I note the appellant's suggestion that approval for similar developments has been given, including to dwellings on the same street. However, given the very limited details presented to me regarding these schemes, I do not know the circumstances relevant to their approval and can draw little comparison with the proposals before me. In any event, I am required to determine the schemes before me on their own merits.

Conclusion

16. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

J Bowyer

INSPECTOR