



Appeal Decision

Site visit made on 4 August 2020

by D. Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2020

Appeal Ref: APP/A5270/D/19/3241827

6 Launceston Gardens, Greenford, Middlesex, UB6 7ET

- 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 Mohammed Alkhzraji against the decision of the Council of the London Borough of Ealing.
 - The application Ref: 193898PALHE dated 20 August 2018, was refused by notice dated 9 October 2019.
 - The development proposed is described as 6 meter deep single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal was initially made in the name of Mr Mohammed Alkhazraji. However, it has been confirmed that the appellant's name is as set out in the original planning application form, which I have used in the banner heading above.
3. The Council's decision notice explains with reference to Schedule 2, Part 1, Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) prior approval is required and refused. An informative explains in relation to No. 8 Launceston Gardens the proposal would result in an undue increased sense of enclosure as well as loss of daylight. Paragraph A.4(7) of the GPDO requires that where an adjoining occupier objects to a proposed development, the prior approval of the local planning authority is required as to its impact on the amenity of any adjoining premises. A representation was received to the proposal. Paragraph A.4(9) of the GPDO requires that the amenity of all adjoining premises is considered. My determination of the appeal is made on the same basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No. 8 Launceston Gardens.

Reasons

5. The appeal site currently benefits from an approximately 3m deep and 3m high rear extension across almost the full width of the original dwelling house. The appeal proposal is for a 6m deep extension between approximately 3m – 3.10m high of the same width, thereby effectively extending the existing extension by approximately 3m. The appeal site and neighbouring dwellings benefit from relatively deep gardens. However, being a mid-terrace property No 8 has a relatively narrow back garden.
6. No. 8 appears to have an un-extended rear façade that appears to be served by sizeable window openings or glazed doors. The development would leave only a very small gap to the boundary fence with No. 8, being almost flush to the boundary along its entire 6m depth. The fence separating the properties is approximately 2m in height. Therefore, a significant proportion of the extension would be readily visible above the fence at close proximity to the rear windows and in the part of the garden that is likely to be more frequently used.
7. Given the height, proximity to the boundary with No. 8 and the significant additional depth the proposed extension would appear imposing, significantly overbearing and oppressive when viewed from the rear ground floor windows and the part of the garden closest to the dwelling. For these reasons, the development would have a significant adverse effect upon and result in harmful living conditions for the occupiers of No. 8 due to the loss of outlook.
8. No. 8 is already enclosed by approximately 3m deep extensions on its north and south side. By extending a further 3m in depth to the south, the height and close proximity would result in increased enclosure and overshadowing and reduced daylight to part of the rear garden and rear ground floor windows. Given the southern direction, the depth of the additional overshadowing and reduced sunlight during the brighter parts of the day (including the late morning to afternoon) would be significant, particularly in the darker months when the sun is lower. The cumulative effect of the development would be to significantly restrict daylight to the rear ground floor of No. 8, such that it would result in significant harm to the living conditions of the occupiers of No. 8.
9. Having regard to the scale and nature of the proposals and the distance to and relationship with the other surrounding neighbouring properties, there would not be a detrimental effect upon the living conditions of the occupiers of the other properties. However, for the reasons set out above, the proposed development would result in significant harm to the living conditions of the occupiers of No. 8 due to a loss of outlook and daylight. Therefore, the proposals are not considered acceptable having regard to the provisions of paragraphs A.4(7) and A.4(9) of Part 1 Class A of the GPDO.

Other Matters

10. My consideration of this proposal is done in the context of the requirements of paragraphs A.4(7) and A.4(9) of the GPDO. Therefore, the social, economic and environmental benefits of the development including increased accommodation, compliance with policies in the National Planning Policy Framework (2019) and development plan, do not mitigate or override the harm in respect of living conditions of neighbouring occupiers. The presence of other

rear extensions is only material insofar as they might have a cumulative effect with the appeal proposal upon the living conditions of a neighbouring occupier. However, their existence in the wider area does not justify allowing the appeal, because in accordance with paragraph A.4(7) of the GPDO, my consideration of the proposal is in respect of the amenity of adjoining premises.

11. I have not viewed the impact of the development in the context of No. 8 building a future rear extension, as no such extension was present at my visit. Furthermore, there is no evidence to confirm that such a development will or is intended to take place. I note the appellant's and a third party's comments in respect of construction disturbance. However, as I am not allowing this appeal for other reasons, I have not considered these further.

Conclusion

12. For the reasons set out above the appeal should not succeed.

Dan Szymanski

INSPECTOR