



Appeal Decisions

Site visit made on 28 July 2020

by M Madge DipTP, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th AUGUST 2020

Appeal A: APP/A5270/C/19/3240830

Appeal B: APP/A5270/C/19/3240831

52 East Acton Lane, Acton, London W3 7EQ

- The appeals are made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- Appeal A is made by Mr Gunapalan Vamathevan and Appeal B is made by Mrs Yvonne Vamathevan against an enforcement notice issued by the Council of the London Borough of Ealing.
- The enforcement notice, numbered 19EN0707, was issued on 14 October 2019.
- The breach of planning control as alleged in the notice is without planning permission: the construction of a part single, part two-storey rear extension and a front porch.
- The requirements of the notice are:
 - 1) Remove the part single, part two-storey rear extension in its entirety.
 - 2) Remove the front porch in its entirety.
 - 3) Remove all resultant debris.
- The period for compliance with the requirements is 3 months.
- The appeals are proceeding on the grounds set out in sections 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The enforcement notice is quashed and planning permission is granted for the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Ground (a) and the deemed application for planning permission

1. Section 174 (2)(a) confirms that the allegation set out in the notice will form the description of development for which planning permission is being sought. In this instance, the development comprises a part single, part two-storey rear extension and a front porch.
2. The main issues are the effect of the development as built on: (i) the character and appearance of the original dwelling and surrounding area; and (ii) the living conditions of neighbours occupying 54 East Acton Lane.

Character and appearance

3. The host property is a semi-detached, two-storey dwelling with accommodation in its roof space. The surrounding area is characterised by semi-detached and terraced, two-storey dwellings set back from the highway behind tree lined verges. Plot sizes within the area are generous. While not all dwellings have porches, there are a variety of designs, sizes and materials utilised in those that do exist. Limited vantage points exist from which the rear of the properties in the area can be viewed, but from those that are available, a variety of single and two storey extensions are visible.
4. The Council argues that the cumulative impacts of extensions at the property amount to over development of the site. While the dwelling originally had

- 3 bedrooms, it has had a roof conversion and the internal layout has been reconfigured so that, even with this development, it only has 4 bedrooms. The amount of retained garden space is commensurate with a 4 bedroomed dwelling and over development of the site has not occurred.
5. The block of dwellings within which the host property forms one end is not aligned parallel to East Acton Lane. Instead, the block runs off at an angle, with the appeal property being located furthest from the road. There is also a significant difference in land levels between the road and the finished floor level of the dwelling. This is a result of highway land sloping down in an easterly direction while the houses in this block remain on a level. While this means that the appeal property has steps up to its front door, it does not make the dwelling taller or more visually dominant in the street scene than its neighbours.
 6. The Council raised concern that the steps leading up to the porch would prevent disabled access. Such access is however available around the side of the dwelling and from the rear, where level and ramped paving provides disabled access via a side entrance.
 7. The design of the porch incorporates a dual pitched roof that has a gradient matching that of the main dwelling. This puts the ridge height below the first-floor window level and the eaves approximately level with ground floor window heads. The proportions of the porch in respect of its height and appearance are in keeping with the appeal dwelling and the street scene.
 8. The porch does have a larger footprint than other porches found in the surrounding area. This does not however detract from the original character of the dwelling's frontage, which is dominated by a two-storey bay window. As the dwelling is not positioned parallel to the highway and the high boundary wall at 60 Bowes Road projects forward of the appeal property, views of the porch are oblique or screened by adjacent features. Given the juxtaposition of the dwelling in relation to its neighbours and the wider street scene, the porch does not appear to be a discordant or obtrusive feature and, as such, it does not cause the deterioration of visual amenity.
 9. The Council confirms that the part single, part two-storey extension projects out from the original rear elevation by 7 m and 3 m respectively. I saw that the ground floor extension provides bedroom and bathroom accommodation to meet the health needs of 2 of the appellants children. The first-floor extension provides en-suite bathroom facilities to the master bedroom.
 10. The rear extension is not visible from East Acton Lane and only long-distance views of the extension are available through the modest gaps located between the dwellings at 54 and 56 Bowes Road and the dwellings at 58 and 60 Bowes Road. In the brief glimpses that are available, the rear extension is read against the visual backdrop of the previously extended dwelling and its neighbours. I find the part single, part two-storey rear extension to have a negligible visual impact upon the street scene.
 11. The part single, part two-storey rear extension is visible from the private access and parking area located to the rear of the property and from the gardens of neighbouring dwellings. The properties in this area have been subjected to a variety of rear extensions of differing scales and designs. While this development may be the most extensive in the area, its stepped design

ties in with the previous alterations to the roof to form a coherent development. The design, scale and massing of the extension is such that it is visually subservient to the built form of the dwelling.

12. For the reasons set out above, the extensions do not represent over development of the site and they have no significant adverse visual impact on the character and appearance of the street scene or the host dwelling. The development therefore accords with policies 7.4 and 7.6 of the London Plan March 2016 (the LP) and policies 7.4 and 7B of the Ealing Development Management Development Plan December 2013 (the EDMDP) which seek, amongst other things, to secure good quality design and preserve the character of the area.

Living Conditions

13. The part single, part two-storey rear extension is built up to the boundary with No 54, which has its own ground floor rear extension adjoining the part two-storey extension. The boundary treatment beyond the development is a 2 m high wall. The boundary between these 2 properties does not run perpendicular to their rear elevation, instead it runs off at a north westerly angle, drawing attention away from the extension for the occupiers of No 54.
14. While the extension is higher than the boundary wall, the two-storey element is adjacent to the adjoining property's own rear extension. Furthermore, while the overall height of the part two-storey extension may be 7 m, it incorporates a dual pitched roof, which slopes away from the boundary. The part single storey extension is significantly lower than the two-storey part but is higher than the boundary wall. The stepped nature of the development adjacent to the boundary, coupled with the layout of development at No 54, ensures that it does not cause an unacceptable level of visual dominance.
15. The part single storey development projects beyond the ground floor extension at No 54 and it is taller than the rest of the boundary wall. This element therefore provides a modest sense of enclosure and causes a nominal reduction in outlook. The angled nature of the garden goes some way to alleviate these impacts, but a limited reduction to residential amenity remains as a result of the depth of the part single storey extension.
16. There may be some loss of outlook to the first-floor window due to the proximity and depth of the part two-storey extension. Any loss would however be of neighbouring land, over which residents would have no right to a view. Furthermore, residents tend to look out over their own gardens which, due to the angled nature of No 54's garden, would draw the eye away from the extension, ensuring that any loss of outlook from this window is minimal.
17. No evidence has been provided relating to sunlight paths or daylight levels. However, the orientation of the appeal property and No 54 is such that their rear windows face almost north and their private gardens face approximately north west. Given the orientation and juxtaposition of the 2 properties, the depth of the part single, part two-storey extension would have no greater impact on previously available sunlight levels or the extent of overshadowing that existed before the development was carried out.
18. In respect of daylight levels, there may be some perceived loss of daylight as the neighbouring occupiers' view of the sky has been reduced, particularly for

the first-floor window. This potential loss is however mitigated by the part two-storey extension's roof sloping away from the boundary. Daylight levels for this first-floor window is not therefore reduced to an unacceptable level.

19. The first-floor side window in the part two-storey extension is near the boundary with 56, 58 and 60 Bowes Road. This window serves a bathroom and is obscure glazed. As such, it does not result in any significant loss of privacy for the neighbouring residents.
20. I find that the part single, part two storey extension is not overbearing and has no adverse impact on privacy for adjacent residents. It has also caused no significant reduction in sunlight or daylight levels for the residents of No 54 or increased overshadowing above what existed before the development occurred. The height and depth of the part single storey extension does however cause a modest sense of enclosure and limited loss of outlook for the residents of No 54. For this reason, the development conflicts with policies 7.4 and 7.6 of the LP and policies 7.4 and 7B of the EDMDP which seek, amongst other things, to preserve the amenity of neighbouring occupiers.

Other Considerations

21. The appeal was accompanied by evidence detailing the personal circumstances of the appellants and their need for the ground floor extension to provide accommodation to meet their children's health needs. This evidence was before the Council and it went unchallenged. Given the health needs of the children as set out in the evidence, I find the provision of ground floor bedroom and bathroom facilities to be essential. I saw that these facilities could not have been adequately accommodated within the dwelling without the extension. The scale of the ground floor extension has been determined having regard to relevant guidance on access and structural requirements to allow the children to be accommodated in the long term.
22. I give the health needs of the appellants' children significant weight. The justified need for the part single storey extension outweighs the modest sense of enclosure and limited loss of outlook for the residents of No 54 that I have identified above.

Other matters

23. The Council suggest that allowing the development would set an undesirable precedent, which could make it difficult for them to resist similar development elsewhere. I find it unlikely that the configuration of the site and the appellants' personal circumstances could be repeated with any regularity to set a precedent for similar part single storey, part two-storey extensions.
24. Issues such as painting the property, installing external lighting, devaluation of property and development carried out by the appellant elsewhere are not material to the determination of this appeal.

Conditions

25. The Council has offered no suggested conditions should the appeal be successful. While the appellant has referred to changing the side window in the first floor en-suite, the window is already obscure glazed, and this is adequate to preserve the privacy for neighbouring residents. The installation of openings in the western elevation of the part single, part two-storey extension would

however result in a significant loss of privacy for the residents at No 54. The imposition of a condition to prevent such openings, to protect the living conditions of the residents of No 54, is considered reasonable and necessary.

26. For the reasons given above I conclude that the appeals should succeed on ground (a) and planning permission will be granted subject to condition. The appeals on ground (f) do not therefore need to be considered.

Formal Decisions

27. The appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a part single, part two-storey rear extension and a front porch on land at 52 East Acton Lane, Acton, London W3 7EQ referred to in the notice, subject to the following condition:

- 1) 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 or other openings shall be constructed on the western elevation of the part single, part two-storey extension.

M Madge

INSPECTOR