



Appeal Decision

Site visit made on 30 September 2020

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2020

Appeal Ref: APP/A5270/D/20/3252451

21 Rectory Road, Southall, UB2 4EN

- 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 Anudip Grewal against the decision of the Council of The London Borough of Ealing.
 - The application Ref 177891HH, dated 17 October 2017, was refused by notice dated 21 February 2020.
 - The development proposed is proposed disabled facility single-storey rear extension to provide a wet-room with changing and sitting area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect of the proposal upon the living conditions of the occupants of 19 and 23 Rectory Road, with particular regard to outlook.

Reasons

3. The appeal site is part of a terrace of four 2-storey dwellings. An existing single storey extension covers most of the width of the appeal property and as such is close to the boundaries of Nos 19 and 23, neither of which have been extended. A significant proportion of the side walls of the existing extension can be seen from Nos 19 and 23 above the boundary fence between them and the appeal site. There are also rear extensions to the other side of these properties at Nos 17 and 25 which to some extent create a sense of enclosure.
4. The proposal is for an additional rear extension to provide a wet room and changing area. It would be as wide as the existing extension for most of its length, apart from a projection close to the boundary with No 23 which would accommodate a toilet and wash basin. The proposed extension would be set in from the boundary with No 19. However, in combination with the existing extension, it would project over 8 metres further than the closest part of No 19's rear wall. Even with the set in, it would harm the living conditions of occupants of No 19 from an increased sense of enclosure. There would also be an unacceptable degree of visual intrusion from such a large expanse of wall encroaching on the outlook from No 19.
5. There would be no set in for the proposed extension wall along the boundary with No 23. It would extend over 6 metres along the boundary at a height of 3

metres. The impact on the living conditions of occupants of No 23 would be harmed from the visual intrusion and overbearing impact of this expanse of wall encroaching on the outlook from their property. Although the extension at No 25 is separated from No 23 by a side alley, there would still be an increased sense of enclosure, albeit less than for No 19.

6. Overall, I conclude that the impact of the proposed development on the outlook from neighbouring properties would harm the occupants living conditions to an unacceptable degree. The proposed development would therefore conflict with policy 7B of the London Borough of Ealing Development Management Development Plan Document (2013), policy 1.1 (g) of the London Borough of Ealing Development Strategy 2026 Development Plan Document (2012) and policy 7.6 of the London Plan (2016) (LP) which require development to protect communities and achieve a high standard of amenity. Section 7 of the National Planning Policy Framework (the Framework) deals with ensuring the vitality of town centres and policy 7.4 of the LP deals with local character. Neither are therefore relevant to the proposal.

Other Matters

7. I am sympathetic to the appellant's personal circumstances. However, the limited weight I consider can be attached to them does not outweigh the harm that I have identified. A temporary consent for the extension would not be appropriate. As the appellant has noted, Planning Practice Guidance on the Use of Planning Conditions advises that a temporary condition requiring demolition of a building that is clearly intended to be permanent is unlikely to pass the test of reasonableness. Any such condition would therefore be contrary to paragraph 56 of the Framework.
8. The appellant states that the degree of impact beyond that which could occur if the boundary fence and eaves heights were to the maximum allowable height, under the General Permitted Development Order (GPDO), would be minor. I have to assess the proposal against the circumstances before me. In any case, a significant concern of mine is the impact arising from the length of the extension which exceeds GPDO allowances. As such I accord such comments negligible weight.
9. The temporary use of a gazebo by occupants of No 23, referred to by the appellant, does not lessen the harm that the proposal would have on their outlook nor does the lack of objections from neighbours alter my opinion that the proposal would unacceptably harm their living conditions.
10. I note the appellant's reference to other similar developments in the area. However, no details have been provided to me and I am therefore unable to assess any direct comparability with the current appeal proposal. In any case, I have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.

Conclusion

11. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR