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# Appeal Decision

Site visit made on 29 October 2020

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 09 November 2020**

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**Appeal Ref: APP/A5270/W/20/3245377**

**312 Boston Road, Hanwell, W7 2AR**

- 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 Diverse Homes Ltd against the decision of the Council of London Borough of Ealing.
  - The application Ref 193861FUL dated 25 September 2019, was refused by notice dated 25 November 2019.
  - The development proposed is part third floor rear extension to provide one additional studio flat and associated cycle storage resulting in a total of 10 flats.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. I have utilised the Council's description of the proposal as per the decision notice as I feel it more concisely describes the development.
3. I note the appellant's statement of case makes reference to potential alterations to the scheme in relation to materials and window sizes, however, I have considered the appeal proposal based upon the plans before me and against the refusal reason stated.

## Main Issue

4. The main issue is the impact of the proposal upon the residential amenity of neighbouring properties in relation to sense of overbearing enclosure and perceived loss of privacy.

## Reasons

5. The appeal site is a predominantly three-storey building which has already undergone a recent roof extension to accommodate an additional unit. The appeal site is a prominent building within its immediate setting with frontage onto Wellmeadow Road. When driving to the appeal site I found the building notable from The Harvester Public House to the North.
6. Wyndham Court, understood to be a block of flats, and no. 24 Wellmeadow Close are the adjoining properties to the appeal site. At the time of my site visit I walked along the front of Wyndham Court and around the site, down Wellmeadow Road and also viewed from Boston Vale. Whilst the proposal would bring built form, at a greater height, towards Wyndham Court the proposal would maintain a separation distance of around 15 metres. This combined with the fact there are no windows facing the appeal site and no

- private gardens (in Wyndham Court) means that I find the proposal is unlikely to have significant impact upon the residential amenity of Wyndham Court.
7. No. 24 Wellmeadow Close (no. 24) is a two-storey semi-detached dwelling which stands immediately adjacent to the appeal site. Access to underground parking via a ramp (car width), along with a pedestrian side access to the garden of no. 24, is all that separates the appeal site from this property in terms of distance.
  8. No. 24 has a single-storey rear extension, which is stated to have windows facing the appeal proposal, as well as a garden adjoining the appeal site. The appeal proposal proposes two windows in the western elevation which faces no. 24. These are noted to propose frosted glass however, I find that windows this close to the boundary, at notable height would give rise to perceived loss of privacy which would harm the residential amenity of the adjoining occupants. I note that the appellant submits that the proposed windows, in the West elevation, could be reduced but I find that there would still be a sense of overlooking as a result of windows in this elevation, regardless of their size.
  9. It is stated that the proposal is 5 metres away from the boundary of no. 24 compared with the existing building at the appeal site, however, the appeal proposal would still give the impression of a four-storey building very close to the boundary with neighbouring property. This is still the case even with the slightly reduced height of the portion closest to the boundary. Submitted photographs, from no. 24, show the appeal proposal would appear overbearing in views from the bedroom window and from within the garden itself.
  10. Overall, I find this would result in an overbearing impact as a result of the sense of enclosure, causing harm to the residential amenity of the neighbouring occupants compared to the current staggered roofline. Design features, such as the green wall, are noted but do not overcome the issues outlined above which are mainly as a result of scale and siting in close proximity to the shared boundary.
  11. I note the appellant's submission, within their statement, of existing and proposed views in fig 01 – 04 inclusive. The Council have not raised issue with design as such nor the site in its wider views. The reason for refusal solely relates to the harm to residential amenity identified for no. 24. It is noted that there are matters which the Council have not disputed, however, a lack of objection on other matters is a neutral consideration. The appeal falls to consider the main issue as outlined within the reason for refusal given. Matters such as density are of little relevance within this appeal as the Council have confirmed they have no objection on this basis.
  12. The proposal would be contrary to Ealing Development Management Development Plan Document 2013 Policy 7B which requires new development to achieve a high standard of amenity for adjacent uses and London Plan 2016 Policy 7.6 which requires buildings not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy.
  13. The proposal would also be contrary to paragraph 127 of the National Planning Policy Framework 2019 (the Framework) which seeks to ensure a high standard of amenity for existing and future users.

## **Other Matters**

14. The Council's reference to section 7 of the Framework is an administrative error, however, the correct section of the Framework (section 12) is referenced within the Council's delegated report. Despite this minor error I do not find that it alters the basis for refusal stated.
15. I note that a number of objections have raised several other matters, however, the Council's reason for refusal has been considered within this appeal and, given that I have concurred with the Council's findings and have dismissed the appeal, there is no merit on this occasion in directly addressing the other objections raised.
16. Appropriate refuse and cycle storage in the basement is noted and, had the proposal been acceptable in other regards, such provision could have been secured by condition.
17. The appellant submits that the Council have a lack of a five-year housing land supply (5YHLS). The Council have not responded to this claim within their submissions. The evidence before me is limited to the commentary within section 2 of the appellant's statement of case. The proposal is acknowledged to be in an area with good transport links, however, it would deliver one additional studio flat for which the overall benefits would be very limited. Even if the tilted balance in paragraph 11 d) ii) was engaged the adverse impacts identified within this decision would significantly and demonstrably outweigh the limited benefits, when assessed against the policies in the Framework as a whole.

## **Conclusion**

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

*Eleni Randle*

INSPECTOR