



Appeal Decision

Site visit made on 27 October 2020

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2020

Appeal Ref: APP/A5270/W/20/3248278

Rear of 133 & 133A The Broadway, Southall UB1 1LW

- 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 B S Dokal against the decision of the Council of the London Borough of Ealing.
 - The application Ref 194636FUL, dated 24 October 2019, was refused by notice dated 19 December 2019.
 - The development proposed is the erection of a 1st floor rear extension for ancillary office use.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 1st floor rear extension for ancillary office use at the rear of 133 & 133A The Broadway, Southall UB1 1LW in accordance with the terms of the application, Ref 194636FUL, dated 24 October 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan
18/133/133A/TBS/201
18/133/133A/TBS/202
19/133/133A/TBS/203/D
19/133/133A/TBS/204/D and
19/133/133A/TBS/205/D
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until the windows at first floor level in the east/left side elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Application for costs

2. An application for costs was made by Mr B S Dokal against the Council of the London Borough of Ealing. This application is the subject of a separate Decision.

Procedural Matter

3. For reasons of clarity, the description of development provided on the appeal form has been used.

Main Issue

4. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 131 The Broadway.

Reasons

5. The proposed development includes a first floor extension for office use above an existing ground floor addition located to the rear of a commercial property. The proposed extension would be sited adjacent to the shared boundary with 131 The Broadway which contrasts with the flank wall of the existing first floor rear outrigger which is set back from the boundary. By reason of scale the proposed development would result in a 2-storey flank wall which would extend along about half the length of the shared boundary.
6. In conjunction with 135 The Broadway, a similar depth of first floor extension was the subject of a dismissed appeal¹. The Inspector was concerned about the effect of this previous scheme on the living conditions of the occupiers of No. 131, specifically the levels of daylight reaching rear first floor windows and the outlook from these openings. It is claimed by the appellant that the windows referred to by the previous Inspector do not serve habitable rooms albeit no details of the nature of types of rooms served by these openings are provided. No clear observations could be made during the site visit about what rooms were served and there are no reasons to disagree with the appellant's claim which has not been challenged by the Council.
7. Subsequent to the appeal, the Council has granted planning permission for a first floor rear extension (Ref 183753FUL). The depth of the approved extension is about 6.99 metres and the proposed extension subject of both this appeal and the previous appeal would have a depth of around 10.45 metres. No details of the approved scheme have been provided, including any assessment made by the Council concerning the effect on the living conditions of the occupiers of No. 131. However, it was possible during the site visit to determine where the rear wall of this approved scheme would be sited relative to the proposed development. By reason of the extant planning permission, significant weight is given to this approved scheme in the determination of this appeal.
8. Although the matter was not specifically raised for the dismissed appeal scheme, the area to the rear of Nos 131 and 129 appears to be used, at least in part, as amenity space for the occupiers of the residential units. This is evidenced by the washing line, small area of vegetation, barbeque and storage area for refuse/recycling bins. Further, the Council's reason for refusal is not

¹ APP/A5270/W/16/3158140

confined to the impact of the proposed development on this space. As already identified, there is the first floor window within the rear outrigger of No. 131 albeit serving a non-habitable room.

9. By reason of siting and bulk, the approved scheme together with the existing first floor outrigger of the appeal property would significantly enclose the amenity space to the rear of No. 129 and 131. By reasons of possessing a greater depth than the approved scheme, this sense of enclosure would be increased by the proposed extension. However, the space is significant in size. The enclosure by the appeal scheme, the flank wall of 1 Abbotts Road and the existing development in depth of the rear of 127 The Broadway would not result in any greater sense of being an oppressive or overbearing form of development when compared to what has been approved by the Council. Further, there would be a limited difference in the outlook from, and daylight reaching, the amenity space and the first floor rear window of No. 131 when comparing the bulk, scale and siting of the appeal and approved schemes.
10. Reference is made in the Planning Officer's report to the proposed extension's side windows precluding the potential for No. 131 to be extended at a later date. However, there is no specific evidence available to indicate that such a proposal is likely to occur. Accordingly, limited weight is given to this matter in the determination of this appeal. However, if allowed, then as indicated on the submitted drawings a condition to prevent overlooking of the amenity space from the proposed side windows would be necessary.
11. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 131 The Broadway and, as such, there would not be a conflict with Policy 7B of the Ealing Development Management Development Plan Document (DPD) and Policy 7.6 of The London Plan (LP). Amongst other matters, these policies require development to provide a high standard of amenity for adjacent uses, including by reason of daylight, sunlight and visual impact, and not to cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. DPD Policy 7.4 and LP Policy 7.4 concern lifetime neighbourhoods and general character and appearance matters rather than being directed specifically at living conditions.

Conditions

12. No conditions have been suggested by the Council. However, for reasons of clarity, a condition is necessary for the appeal scheme to be erected in the accordance with the approved drawings. It would also be necessary for a condition to require the external materials to match the host property which is also stated on the drawings and application form. As already identified, a condition to require obscured glazing and non-opening windows in the side elevation to prevent overlooking of the amenity area is necessary.
13. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR