
Appeal Decision

Site visit made on 23 March 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 15 April 2021

Appeal Ref: APP/A5270/W/20/3262988

114 Gordon Road, West Ealing W13 8PJ

- 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 Adrian Mitchell against the decision of the Council of the London Borough of Ealing.
 - The application Ref 202870FUL, dated 20 July 2020, was refused by notice dated 2 October 2020.
 - The development proposed is the erection of a part two/part single storey rear extension and rear dormer roof extension and conversion of a house to 2 No. 4 bedroom flats and a studio flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of the appeal application the London Plan 2021 (LP) has been adopted. The reason for refusal referred to Policies D1, D2 and D4 of the draft London Plan. Copies of the now adopted policies have been provided which do not raise new matters beyond those upon which the parties previously relied.

Main Issues

3. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and (b) the living conditions of the occupiers of neighbouring properties

Reasons

Character and Appearance

4. The appeal property is a 2-storey detached dwelling which is undergoing alterations. Either side of the property are dwellings in residential use. The proposed development includes a part 2-storey and part single storey rear extension and a rear roof extension associated with the sub-division of the property into flats. The Council has not objected to the principle of the proposed flat use. Although some built elements of the proposed development might individually be capable of being erected as permitted development, the appeal has been assessed based upon the scheme before me to consider and the relevant development plan policies.

5. From what could be observed during the site visit, alterations have occurred to the rear elevations of neighbouring properties, including 112 Gordon Road. Accordingly, there are variations in the design, character and appearance of the rear elevations of the neighbouring dwellings. In the absence of a consistency or rhythm of design, the proposed development would not detract from the existing pattern of development at the rear of the properties.
6. A proposed 2-storey rear extension would infill the gaps between the existing 2-storey addition and the shared boundaries with Nos. 112 and 116. There would also be a single storey extension projecting further rearward from the 2-storey element into the private amenity space. When assessed against the size of the property and neighbouring dwellings, rear extension in isolation would not be disproportionate in scale to the host property. However, there is also a large roof extension proposed which cumulatively with the rear extension would result in a sizable addition to the property.
7. Although the existing 2-storey addition has a flat roof, the design and form of the proposed extensions would cumulatively result in the property having a bulky appearance and not being well-related to its original form. Further, the flat roof design, coupled with the number and size of the Juliette balconies at first floor and roof level, would not represent high quality design.
8. The proposed extension would not, as sought by the Council's *Interim Housing Supplementary Planning Document 4: Household Extensions* (SPD), fit in with, nor complement, the architectural style and character of the host property in terms of size and design. The absence of a high quality design would be accentuated by the siting of some bedroom windows which would have an outlook towards the flank walls of Nos. 112 and 116.
9. Although the resulting property would not be an incongruous form of development when assessed in the context of the alterations undertaken to other dwellings, this matter is significantly and demonstrably outweighed by appeal scheme being a bulky addition to the property and not being of a high quality of design. The use of matching materials would not outweigh the unacceptable harm which has been identified.
10. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the host property and, as such, it would conflict with LP Policy D4, Policy 7.4 of the Ealing Development Management Development Plan Document (DPD) and the SPD. Amongst other matters these policies are concerned with high quality design. No specific conflict has been identified with general design principles of LP Policies D1 and D2.

Living Conditions

11. The flank walls of the proposed rear extension would be sited close to the shared boundary with Nos. 112 and 116. The SPD refers to rear extensions being set back from boundaries shared with neighbouring properties to minimise their potential impact. Extensions that negatively affect the residential amenity of neighbouring properties will, according to the SPD, not normally be permitted.
12. By reason of the relationship between the proposed 2-storey element of the proposed rear extension and the first and ground floor windows of habitable

rooms within the rear elevation of No. 112, the siting and bulk of the appeal scheme would not cause unacceptable harm to the living conditions of the occupiers of this neighbouring property by reason of loss of sun or day light, an unacceptable sense enclosure or being a visually dominant form of development.

13. However, there are habitable windows within the side and rear elevation of No. 116 which are close to the shared boundary. By reason of siting and bulk, the appeal scheme would have an adverse effect on levels of sun and day light reaching these windows. By reason of the outlook from these windows, the proposed rear extension would both be a visually dominant form of development and result in an unacceptable sense enclosure for the neighbouring occupiers. This unacceptable harm would be significant and demonstrably outweighs the lack of harm caused to the occupiers of No. 112. The absence of objections from the occupiers of No. 116 does not alter this assessment.
14. On this issue it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of neighbouring properties and, as such, it would conflict with the SPD and DPD Policy 7B which requires a high standard of amenity for adjacent user. There would also be a conflict with the National Planning Policy Framework's policy of seeking a high standard of amenity for existing and future users. No specific conflict on this issue has been identified with the general design principles of LP Policies D1, D2 and D4 and DPD Policy 7.4.
15. Accordingly, and for the reasons given, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR