
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

Decision date: 15 April 2021

Appeal Ref: APP/A5270/D/20/3263869

11 St John's Road, Southall UB2 5AN

- 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 Baldave Dhanda against the decision of the Council of the London Borough of Ealing.
 - The application Ref 203765HH, dated 21 September 2020, was refused by notice dated 12 November 2020.
 - The development proposed is the erection of a first floor extension to rear part of the existing house.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor extension to rear part of the existing house at 11 St John's Road, Southall UB2 5AN in accordance with the terms of the application, Ref 203765HH, dated 21 September 2020, 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; 1522.A2.PL01 and 1522.A2.PL02
 - 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) 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 shall be constructed on the northern and southern elevations.

Main Issues

2. Since the determination of the appeal application the London Plan 2021 (LP) has been adopted. The reason for refusal already referred to Policy D4 of the draft London Plan which concerns the delivery of good design. A copy of the adopted London Plan (LP) policy relevant to the determination of this appeal has been provided which does not raise new matters beyond those upon which the Council previously relied.

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 the surrounding area and (b) the living conditions of the occupiers of 9 St John's Road.

Reasons

Character and Appearance

4. The appeal property is a 2-storey semi-detached dwelling with an outrigger located within a road fronted by similarly designed dwellings. The proposed development is a first floor extension to the outrigger, with a depth of about 1.7 metres, which would be located above a single storey element. Alterations have occurred to other outriggers adjacent to the site, including an increased width at first floor level at 9 St John's Road which is the other semi-detached dwelling with the property.
5. The depth of the proposed development is modest and its design would reflect the form of the existing outrigger by retaining the same width and pitched roof. The fenestration would be similar to what currently exists with a single opening within the rear elevation. The proposed rendered walls would match those of the host property and the use of matching external materials could be secured by a suitable condition.
6. Although the proposed development would increase the depth of the outrigger at first floor level, the resulting property would not be so conspicuous so as to appear an incongruous form of development. Further, the extended property would not alter the appearance of the streetscene. When taken together with the alteration to No. 9, there would be no unacceptable harm caused to the character of the property and the surrounding residential area.
7. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with LP Policy D4 and Policy 7.4 of the Ealing Development Management Development Plan Document which are policies concerned with high quality design and respecting local character.

Living Conditions

8. The proposed development would increase the depth of the property's outrigger at first floor level and it would extend beyond the rear wall of the outrigger of No. 9. However, the outrigger of this neighbouring property has been altered and the internal layout reconfigured because it was evident during the site visit that the nearest opening to the appeal scheme is an obscurely glazed bathroom window. The nearest habitable room window at first floor level is sited away from the side elevation of the proposed extension.
9. No details have been provided by the Council about the policy basis for the application of a notional 45° line drawn from the corner of the nearest window of a neighbouring property and whether this applies to openings serving non habitable rooms such as bathrooms.
10. By reason of the depth of the proposed extension and the nearest habitable room window, there would not be unacceptable harm caused to the occupiers of No. 9 by reason of loss of outlook, daylight, sunlight or sense of enclosure.

Further, the depth and siting of the appeal scheme, together with there being no increase in the size of the property's footprint, would not result in significant harm being caused to the occupier's enjoyment of the private amenity space to the rear of No. 9.

11. On this issue it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 9 St John's Road and, as such, there would not be a conflict with the National Planning Policy Framework's (the Framework) policy of seeking a high standard of amenity for existing and future users.

Conditions

12. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the Framework and the Planning Practice Guidance. For the avoidance of doubt, a condition is necessary for the appeal scheme to be erected in accordance with the drawings. Reference has already been made to the need for a condition to secure the use of matching external materials.
13. Exceptionally, it is necessary to remove the ability for additional openings to be constructed within the proposed first floor extension to preclude unacceptable overlooking into the private amenity areas of the neighbouring properties. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR