



Appeal Decision

Site visit made on 23 March 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2021

Appeal Ref: APP/A5270/D/20/3264122
344A Acton Lane, Acton W3 8NX

- 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 Ms Janina Hall against the decision of Ealing Council.
 - The application Ref 202195FUL, dated 8 June 2020, was refused by notice dated 20 August 2020.
 - The development proposed is described as 'Alterations and first floor extension to existing single storey 1 bed dwelling to form a 2 bed, two storey dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and a first floor extension to an existing single storey 1 bed dwelling to form a 2 bed, two storey dwelling at 344A Acton Lane, Acton, W3 8NX in accordance with the terms of the application, Ref 202195FUL, dated 8 June 2020, and the conditions set out in the Schedule at the end of this discussion.

Procedural Matters

2. The London Plan (2021)(LP) has been published since the appeal was made. I shall consider the appeal accordingly. In doing so I am satisfied that no injustice will be caused since the relevant policies which seek to deliver good design and protect living conditions are essentially the same as in the previous plan.
3. The Council's first reason for refusal refers to Policy 7A of the Ealing Development Management Development Plan Document (DMDPD) (2013) in their decision. However, this policy is largely concerned with the effect of emissions on amenity. Given the nature of the proposal before me, I consider that this is not a particularly relevant policy. I have therefore given it very little weight in my decision.
4. On my site visit I was able to gain access to the rear garden of neighbouring property, No 1 Crown Villas, to consider the effect of the appeal proposal on that property.

Main Issues

5. The main issues are;
 - i) The effect of the proposal on the character and appearance of the dwelling and area; and

- ii) The effect on the living conditions of neighbours, specifically No 1 Crown Villas, in terms of outlook and levels of sunlight and daylight to the rear garden.

Reasons

Character and Appearance

6. The proposed extension would create first floor living accommodation for the existing single storey appeal dwelling. This addition would be contemporary in character, including a zinc cladding finish. The current property is a flat roof structure, with no special architectural merit that should be protected. Therefore, in my opinion, the proposals would add architectural interest to, and enhance, the character and appearance of the existing property.
7. The front building line of the extended dwelling would be similar to adjacent properties. The dwelling would be lower in height than the adjacent house, 342 Acton Lane, and a similar height to the adjacent property, 344 Acton Lane. I therefore consider that, in terms of footprint and scale, the appeal scheme would sit comfortably within the streetscene.
8. I note that the appeal proposals would not reflect the design or materials of other properties on this part of Acton Lane, which are predominantly two-storey brick or rendered terraced houses. However, the existing property also differs in character and appearance to these dwellings. Also, on my site visit I noted that the wider area includes a mixture of property types and designs. On this basis, in my opinion, the appeal scheme would add variety to the streetscene which would enrich the character and appearance of the area.
9. In view of the above, the appeal scheme would not harm the character or appearance of the existing dwelling or area. The appeal proposal therefore accords with LP Policies D3 and D4, Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) (EDMDPD), Ealing Residential Extensions Supplementary Planning Document (2004) (ERESPD) SPD4 and the provisions of Paragraph 127 of the Framework which, taken together, seek to secure high quality design which complements the area.

Living Conditions

10. The rear elevation of the appeal dwelling sits on the boundary with the garden of the adjacent property, 1 Crown Villas. Whilst the appeal scheme would raise the wall plate on this boundary, this would only be by around half a storey. This relatively small increase in height, coupled with the fact that the proposed roof plane would slope away from the neighbours' rear garden, would limit the overall bulk and mass of the appeal proposal when viewed from the neighbours' rear garden and so would not feel overbearing. Also, given that the garden of 1 Crown Villas is bounded on 3 sides - by their own home, the appeal dwelling and 343 Acton Road - the appeal scheme would not significantly alter the sense of enclosure to that space. In view of all of this, in my opinion, the appeal scheme would not significantly harm the outlook of the neighbours' garden.
11. I acknowledge that the level of morning sunshine to the neighbours' rear garden would be reduced by the appeal proposal. However, given that this area is already partially enclosed, and taking into account the overall mass of

the appeal scheme as well as the pathway of the sun, the proposal would not significantly worsen the current situation. In my view the proposed extension would not materially reduce the level of daylight or sunlight to the rear garden and therefore would not unacceptably overshadow this garden area.

12. Taking all the above into account, in my opinion, the appeal proposal would not unduly harm the neighbours' living conditions, in terms of enjoyment of their rear garden. The appeal proposals therefore do not conflict with Policies D3 of the LP, Policy 7B of the EDMDPD and the ERESPD, insofar as they seek to ensure that development preserves living conditions.

Other Matters

13. I note the Council's comments that the proposed development would not fall within permitted development rights under the Town and Country Planning (General Permitted Development)(England)(Amendment)(No.2) Order 2020. However, given that I have found that the appeal scheme would not harm the character and appearance of the dwelling or the area or the living conditions of neighbours, I attach limited weight to this in considering the appeal.

Conditions

14. I impose conditions in regards to timescales and setting out the approved plans to provide certainty. I attach conditions restricting the use of the flat roof projection to the front of the property and limiting the depth of rooflights in order to protect the character and appearance of the dwelling as well as the living conditions of neighbours.

Conclusion

15. For the reasons given, I allow the appeal.

Rebecca McAndrew

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. This development hereby permitted shall be carried out in accordance with the approved drawing numbers 19.05/01/E existing ground floor plan, 19.05/02/E existing roof plan, 19.05/03/E existing front and rear elevations, 19.05/04/E existing sections, 19.05/11/E proposed ground floor plan, 19.05/12/E proposed first floor plan, 19.05/13/E proposed roof plan, 19.05/14/E proposed front and rear elevations, 19.05/15/E proposed sections and site location plan.
3. The flat roof projection to the front of the dwelling (above the proposed entrance hall) shall not be used as a balcony, roof terrace or similar amenity space.
4. The rooflights hereby approved shall not project more than 150mm from the roof plane and shall be retained as such for the lifetime of the development.

