

# Appeal Decision

Site visit made on 10 January 2022

**by David Fitzsimon MRTPI**

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

**Decision date: 28 JANUARY 2022**

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**Appeal Ref: APP/A5270/D/21/3286577**

**2 Torrington Gardens, Perivale UB6 7EN**

- 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 Walid Nassarallah against the decision of the Council of the London Borough of Ealing.
  - The application Ref 214010HH, dated 27 May 2021, was refused by notice dated 14 September 2021.
  - The development proposed is a 6m single storey rear flat roof extension.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue in this case is the effect of the proposed extension on the living conditions of the occupiers of the neighbouring dwelling, No. 4 Torrington Gardens, with particular regard to outlook and access to natural light.

## Reasons

3. The appeal relates to an end of terrace property which is located in a road of similar dwellings. The proposal seeks to add a single storey flat roof extension which would span the full width of the rear of the property. It would be some 6 metres deep and it would project directly along the boundary with the attached dwelling, No. 4 Torrington Gardens, which has not been extended to the rear.
  4. The Appellant argues that at a height of 2.3 metres, the proposed extension would only sit about 200mm above the fence which defines the shared rear boundary with No. 4. However, the extension would be of substantial depth and the overall scale, solid construction and additional height above the boundary fence would be unduly enclosing and overbearing when seen from the nearest point of the rear garden of No. 4, and also from the nearest room at the rear of this property, served by a bay window close to the shared boundary.
  5. Given that No. 4 sits to the north of the appeal property, the proposed extension would cast a degree of shadow over the nearest part of this attached property for prolonged periods of the day, thereby unacceptably reducing the levels of natural light available to it.
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6. The Appellant asserts that other large extensions have been added to dwellings within the local area. However, none that I could see at my visit were directly comparable to the extension before me in terms of their depth and siting. In any event, I have considered the appeal proposal on its individual merits.
7. I also note the Appellant has expressed frustration in the way in which the Council dealt with the Planning Application, but this is not a matter for me to consider.
8. For the above reasons, I conclude that the proposed extension would unacceptably harm the outlook from No. 2 Torrington Gardens and would harmfully reduce the levels of natural light available to it for prolonged periods of the day. In such terms, it conflicts with policies D3 and D6 of the London Plan and policy 7B of the adopted Ealing Development Management Development Plan Document, which promote high quality design that safeguards appropriate living conditions for residents.
9. The arguments advanced by the Appellant do not outweigh this harm and policy conflict therefore the appeal does not succeed.

*David Fitzsimon*

INSPECTOR