
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

Appeal Ref: APP/A5270/D/21/3283666

81 Argyle Road, West Ealing W13 0LZ

- 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 Chris Maltby against the decision of the Council of the London Borough of Ealing.
 - The application Ref 213750FUL, dated 19 May 2021, was refused by notice dated 6 August 2021.
 - The development proposed is a single storey rear 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 No. 83 Argyle Road with particular regard to outlook.

Reasons

3. The appeal relates to a large detached dwelling which is located within a row of similar properties. The dwelling sits directly on the boundary with the neighbouring property, No 83 Argyle Road. It has a two storey rear outrigger which is set off the boundary shared with No. 83. The dwelling at No. 83 is set of the shared boundary and it too has a two storey projecting rear outrigger. This outrigger is set in slightly from the side elevation of the main body of this dwelling. A single storey addition projects from the outrigger of No. 83 into its rear garden.
4. A single storey extension already infills the space between the side boundary, the main body of the appeal dwelling and its two storey outrigger. This addition sits broadly in line with the end of the two storey outrigger of No. 83. The proposed extension would project from the infill extension and the rear outrigger of the appeal dwelling by some 4.5 metres. It would be some 3 metres tall with a flat roof and it would run almost directly along the boundary shared with No. 83.
5. Given the arrangement and spatial relationship outlined above, I consider that the position and rearward projection of the proposed extension would cause something of a channel between it and the outrigger and single storey addition at No. 83. The effect would be enclosing and unduly oppressive when viewed

from the ground floor room at the back of No. 83, which I understand to be a dining room, served by windows on its main rear and side elevations. In my view, this would unacceptably harm the outlook from this dwelling. In such terms, the proposal conflicts with policy D3 of The London Plan and policy 7B of the Council's adopted Development Management Development Plan Document which seek to safeguard appropriate levels of residential amenity.

6. The Appellant highlights several contradictions within the Officer's Delegated Report. Indeed, at one point, the Report recommends that planning permission should be granted and it also suggests that *'the proposal has been found to be in adherence with local and regional policies that seek to protect the amenity available to adjoining properties'*. Whilst this is unfortunate, the Report goes on to articulate concerns relating to the impact of the proposal on No. 83 Argyle Road. Furthermore, the Council's Decision Notice clearly states that planning permission is refused and it gives a clear reason for this decision.
7. The Officer's Delegated Report raises concerns that the proposal would result in a loss of light to No. 83, although this particular issue is not cited within the reason for refusal contained within the Decision Notice. Regardless, in the absence of any compelling technical arguments to the contrary, I have no reason to dispute the findings of the submitted Sunlight and Daylight Assessment, which indicates that the proposed extension would cause a minimal reduction in levels of daylight and sunlight enjoyed at No. 83 Argyle Road.
8. I am mindful that the occupiers of this neighbouring dwelling raised no formal objection to the scheme. However, it does not automatically follow that an absence of formal objection means that a scheme is acceptable in planning terms. I have assessed the proposal on its merits as I see it.
9. For the above reasons, I conclude that although the proposed extension would not cause an unacceptable reduction in the levels of daylight and sunlight available to No. 83 Argyle Road, it would be enclosing and would have an unduly oppressive effect when seen from the nearest room at the rear of this property, thereby unacceptably harming the outlook from it.
10. The arguments advanced by the Appellant do not outweigh this harm and the identified policy conflict therefore the appeal does not succeed.

David Fitzsimon

INSPECTOR