



Appeal Decision

Site visit made on 18 March 2022

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/A5270/D/21/3287996

33 & 35 Malden Avenue, Greenford, UB6 0DJ

- 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 B Ganesh against the decision of the London Borough of Ealing Council.
 - The application Ref 212690FUL dated 26 March 2021 was refused by notice dated 2 November 2021.
 - The development proposed is single storey rear extension, decking and access steps to rear garden, front porch (no. 33); single storey side/rear extension replacing existing garage, basement excavation to form lower ground floor extension, rear balcony and access steps to garden, front porch (no. 35) – (Joint Application).
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. This appeal is accompanied by an application for costs. This has been determined within a separate decision.

Main Issue

4. The main issue is the impact of the development upon the host dwelling and the character of the area.

Reasons

5. There are several elements to the appeal proposal across two neighbouring properties as can be seen from the description and the submitted plans. The Council's report suggests that the element relating to the proposed extension at 33 Malden Avenue is unacceptable and would have required general design changes, as well as a reduction in both depth and height, had the overall proposal been acceptable in other regards. Despite this no further assessment is undertaken and as outlined above, the refusal reason is specific in its reference to the extension and basement excavation proposed at 35 Malden Avenue only.
6. In addition to this the appellant's statement, in response to the refusal reason, has a clear focus upon the elements at 35 Malden Avenue only. For this reason this appeal will focus upon the elements referenced in the refusal reason (extension and basement excavation), at 35 Malden Avenue.

7. I note the appellant's inclusion of extracts of the National Planning Policy Framework 2021 (the Framework) within their statement. Despite this it should be kept in mind that whilst the Framework is a material consideration it does not change the status of the Local Plan which is the starting point for determination in accordance with S38(6) of the Planning and Compulsory Purchase Act 2004. There are no material considerations before me to depart from the Local Plan policies stated within the refusal reason and I do not find that I have before me any exceptional circumstances which would allow for the size of the extensions proposed for the reasons outlined below.
8. The appeal site is a pair of semi-detached residential dwellings which stand in large plots within a residential area. From my site visit I found that the area was characterised by semi-detached and terraced dwellings which are, despite evidence of some modest extensions, still relatively uniform in terms of their development pattern and general scale.
9. There is disagreement between the parties as to what the proposals would add to 35 Malden Avenue. Original dwellinghouse is generally considered to be a property as it was built, or as it existed in July 1948 if built before this date. The refusal reason is clear in its reference to the original size of 35 Malden Avenue. It is apparent that the Council are comparing footprint (sq./m) whereas the appellant is comparing Gross Internal Area (GIA). The appellant is applying their calculation as to increase based upon the host building as built now, not the original, and does not seem to have considered the implications of the existing extensions to the property in that there have already been increases to the original building. The Council outline that the original footprint was in the region of 43 sq./m and that this was increased to around 102 sq./m as a result of extensions in the 1980s. The appellant has not challenged this statement. The proposal would increase the footprint of the building to 145 sq./m. This would then be combined with a basement proposal which would further add to GIA as seen from the plans.
10. Based upon this assessment the proposal would increase 35 Malden Avenue by over 270% as a result of the cumulation of extensions, and the proposed basement, off the original dwelling. The proposed single storey side and rear wrap around extensions would consume the existing dwelling as a result of extensions which would be 6m to the rear and 6.9m to the side with a wrap around feature. This would create a flank wall in excess of 14m along the boundary of the property creating an angular built form. Replacement of existing structures, which the appellant notes as existing extensions, will still be utilised within the calculation as to the total overall additions to the original (as discussed above structure) regardless of the fact it is not "new" space. They still contribute, even as a replacement, to built form which is in addition to the host building.
11. Despite this from the site plan detail, and my site visit, I note that the proposal would bring built form at single storey level over what is currently an outdoor raised patio area with an open sided wooden gazebo type structure to the rear – the latter having been included within the red line in a slightly misleading manner within the outline of the birds eye view submitted as appendix 4. I find the proposal would therefore add substantial additional built form to the host property, by extending over what is currently a patio, as well as the extensions proposed as running parallel to the site boundary. This would result in the host property being wider at the rear than the front.

12. I acknowledge that the appeal site benefits from a large plot but overall I find that the proposal would overdevelop the host building itself as a result of substantial cumulative extensions which would be present taking into account the original size of the dwelling as outlined above. I find this would be uncharacteristic within the general pattern and scale of development within the immediate area.
13. A lack of visual impact or refusal reason upon appearance does not automatically mean that a proposal is character appropriate. It should be kept clearly in mind that appearance is the outward, visible qualities whereas character is the sum of all the qualities which distinguish an area. I note reference to an extension at 31 Malden Avenue and viewed this extension, from within the appeal site, at the time of my site visit. Despite this I have no evidence before me as to the permissions in place or the policies against which such proposals were assessed in order to attribute it weight within the consideration of this appeal. Notwithstanding this each case should be considered on its own merits.
14. I note a copy of a prior approval decision notice for the appeal site which has been submitted with this appeal, for a single storey extension but I have no copy of the approved plans. This would have allowed extensions to 6m in depth from the rear of the properties as a result of prior approval not being required. The Council have, however, confirmed that these prior approvals are not valid and state that the submission of this application demonstrates that both of those applications are not valid, as incorrect information was shown on the drawings to show the true height of the extensions at the eaves, which owing to the sloping ground would be significantly higher than the required 3m. The appellant has not clarified or responded to this statement to state differently. Based upon the information before me I am not convinced that the prior approvals noted by the appellant can therefore be utilised as a fallback position within this appeal.
15. The proposal would be contrary to DPD Policy 7B which seeks to ensure appropriate levels of development on site. The proposal would also be contrary to London Plan 2021 (LDN) Policy D3 which seeks to ensure a design-led approach to determine the most appropriate form of development that responds to a site's context and deliver buildings that respond to local distinctiveness through scale and appearance and LDN Policy D4 which seeks to deliver good design.
16. I note that the Council have referenced LDN Policy D1, however, I find that this is a more overarching policy regarding area assessments and capacity for growth and the Council have not been clear as to how they feel this is of relevance to a house extension within this case.

Other Matters

17. The Council's delegated report quotes London Plan 2021 Policy D1 which relates to basement development. It is stated between the Council and the appellant that this policy states that large scale basements that extend significantly beyond existing building footprints can cause particular issues, especially when located in residential area or this is identified as an issue locally. The Council also outlined Ealing Development Management Development Plan Document 2013 (DPD) Policy 7.4. Despite this no copies of these policies have been submitted with this appeal nor have they been cited

within the refusal reason. The weight I can place upon these policies within this decision is therefore extremely limited.

Conclusion

18. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR