



Appeal Decision

Site visit made on 13 June 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 August 2022

Appeal Ref: APP/A5270/W/22/3290029

49A Hamilton Road, Ealing, London W5 2EE

- 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 Sotirios Sakkoulas against the decision of the Council of the London Borough of Ealing.
 - The application Ref 215957FUL, dated 30 September 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the construction of a lean-to conservatory.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a lean-to conservatory at 49A Hamilton Road, Ealing, London W5 2EE in accordance with the terms of the application, Ref 215957FUL, dated 30 September 2021, 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: Site Location Plan, Block Plan, Proposed conservatory elevations, Proposed floor plan 2A, Proposed rear elevation.
 - 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) The extension hereby permitted shall not be occupied until the side facing windows have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Preliminary Matters

2. An amended floorplan (2A) was submitted during the application process, adding a second window to the side elevation of the proposed conservatory/extension. This amended plan was fully considered by the Council, and I have therefore determined the appeal on the basis of this plan.

Main Issues

3. The main issues are

- the effect of the proposal on the character and appearance of the existing property and Ealing Common Conservation Area (CA); and
- the effect of the proposal on the living conditions of the occupants of the ground floor flat at No 49B Hamilton Road, having particular regard to outlook and privacy.

Reasons

Character and Appearance

4. No 49 Hamilton Road is a substantial detached two-three storey property converted to flats. Flat A is set over the part of the ground floor. The property is located within the Ealing Common CA. Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. The Ealing Common CA Character Appraisal (2009) (CACA) sets out that the unique character of the CA is strongly defined by the presence of Ealing Common and is mainly Victorian and Edwardian, with a suburban and leafy character. The CACA describes the eastern end of Hamilton Road, near the appeal property, as coherent in terms of architectural character and lined with late Victorian detached houses.
6. No 49 has been previously extended, through a single storey rear addition to flat B¹. In addition, there is a single storey rear projection to Flat A on the opposite side of the rear elevation.
7. The proposed conservatory extension would be sited in between the existing single storey rear projections and would sit flush with the existing rear projection of Flat A. Given its minor scale and glazed design, the extension would have a limited visual impact, and the original form and character of the building would remain legible. Compared to the scale of the building, the resultant and cumulative impact of the rear projections would not harm its overall character and appearance.
8. The contribution that the property makes to the coherency of the street scene and wider character and appearance of the area would not be diminished as a result, and the character and appearance of the CA would not be harmed.
9. I conclude that the proposed conservatory would preserve the character and appearance of the existing dwelling and the CA. There is therefore no conflict with Policies 7B and 7C of the Ealing Development Management Development Plan Document (2013) (DPD), which along with Policies HC1 and D3 of the London Plan (2021) (LP) require high quality architecture which conserve the significance of heritage assets. These policies are consistent with the design and heritage policies of the National Planning Policy Framework (2021) (Framework). There is also no conflict with the general advice of the Supplementary Planning Guidance document 'Ealing Common Conservation

¹ Application reference 172642FUL

Area Management Plan' (2009), which sets out that extensions should be in keeping with the main house.

Living Conditions

10. The rear ground floor projection of Flat B includes bedrooms served by side windows which would directly face the proposed extension. Given the remaining separation distance between the extension and these windows, the outlook from them would not substantially alter from the existing, which is of the current rear projection of Flat A. As such, I am satisfied that the extension would not be overbearing on the outlook from these windows.
11. The current patio area to the rear of Flat A, where the extension would be sited, allows for direct overlooking into these windows. However, the formalisation of this space as a room, designed for use in all weather, would, by virtue of the glazed design, allow for a greater level and perception of overlooking. This would lead to a loss of privacy for the rooms served by these windows, to the detriment of the living conditions of the occupiers.
12. A condition to obscure glaze the side elevation fenestration of the extension is proposed by the appellant. This would prevent this direct overlooking, and only allow for views from the extension to the rear, over the shared garden area. I consider that this would then address this issue and protect the privacy of the occupiers of Flat B.
13. Therefore, I conclude that the development would not harm the living conditions of occupants of No 49B Hamilton Road, in respect to outlook and privacy. Accordingly, there is no conflict with DPD Policies 7.4 and 7B, which along with LP Policy D3, amongst other matters, seek to ensure that development achieves a high standard of amenity of adjacent users. These policies are consistent with the protection of living conditions goals of the Framework.

Conditions

14. In addition to the obscure glazing condition discussed above, a condition specifying the time limit and approved plans is necessary as this provides certainty. I have also attached a further condition relating to matching materials in order to safeguard the character and appearance of the host building and area.

Conclusion

15. There are no material considerations that indicate the development should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, the appeal is allowed.

B Phillips

INSPECTOR