



Appeal Decision

Site visit made on 29 November 2022

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/A5270/W/22/3298933

Basement Flat, 2 Saville Road, Ealing, Chiswick, W4 5HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Jessica Deninson against London Borough of Ealing.
 - The application Ref 220930FUL, is dated 2 March 2022.
 - The development proposed is single storey rear extension (following demolition of existing rear addition) with sloped roof to the east.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension (following demolition of existing rear addition) with sloped roof to the east at Basement Flat, 2 Saville Road, Ealing, Chiswick, W4 5HQ in accordance with the terms of the application, Ref 220930FUL, dated 2 March 2022, 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: 20-0134 D01 Rev 0, 20-0134 D02 Rev 0, 20-0134 D03 Rev 0, 20-0134 D04 Rev 0, 20-0134 D05 Rev 0 and 20-0134 D06 Rev 0.

Preliminary Matters

2. The planning application the subject of this appeal was not determined by the Council within the prescribed period. The Council have indicated that they would have refused planning permission based on the overbearing effect of the appeal proposal on the living conditions of the occupiers of No 171 Acton Lane if they had been in a position to determine it.

Main Issue

3. The main issue is therefore the effect of the proposed development on the living conditions of the neighbouring occupiers.

Reasons

4. The proposed extension would replace an existing narrower and shallower extension to the rear of the basement flat. The extension would have a lower roof than the existing, but due to the increased depth would extend across the full rear boundary to No 171 Acton Lane. The appellant has suggested that there is a difference in the ground level between the appeal property and No

171, with the ground level being higher at No 171. However, I could not confirm this was the case during my site visit.

5. The proposed extension would be visible from No 171 due to its depth and height. However, the reduction in height from the existing would limit the visual impact to the occupiers of that property. Even considering the rear extension to No 171, the extent of separation from the rear of No 171 to the shared boundary is sufficient that the proposed extension would not cause unacceptable harm to the living conditions of the neighbouring occupiers.
6. The appeal proposal would therefore accord with Policies 7.4 and 7B of the Ealing Development Management Development Plan Document, which taken together require that development should provide a high standard of amenity for adjacent uses. It would also accord with Policies D5 and D6 of the London Plan, the criteria of which include that development provide sufficient daylight and sunlight to surrounding housing and that private amenity space for each dwelling be usable with openness appropriate for its outlook and orientation.

Other Matters

7. I note that a separate application was submitted for a roof terrace over the extension to the basement flat for the dwelling above it. Permission was granted for that development, so concerns relating to the effect on neighbour privacy from the use of the roof terrace do not fall to be considered as part of the determination of this appeal.

Conditions

8. I have had regard to national Planning Practice Guidance on conditions. I have imposed conditions relating to the commencement of development and confirming the approved plans for the sake of certainty.

Conclusion

9. There are no material considerations to indicate that this appeal should be determined otherwise than in accordance with the development plan. Consequently, this appeal succeeds.

M Chalk

INSPECTOR