



Appeal Decision

Site visit made on 22 February 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2023

Appeal Ref: APP/A5270/D/22/3300141

20 Jessamine Road, London W7 3SQ

- 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 D Collison against the decision of London Borough of Ealing.
 - The application Ref 215366HH, dated 22 August 2021, was refused by notice dated 14 April 2022.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It was requested that I view the appeal site from the neighbouring property of 22 Jessamine Road, and I was able to do so at my visit.
3. Reference has been made to the retrospective nature of the application, and I saw that development had been undertaken at the time of my visit.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of residents of 18 and 22 Jessamine Road in respect of outlook and light.

Reasons

5. The description of development refers to a 'rear extension'. However, the submitted plans include 2 separate elements. The submitted block plan indicates that both of these elements make up the extension, and the submitted plans and elevations include both elements. It is clear from the Council's Officer Report that it considered both elements of the proposal, and I have proceeded to determine this appeal on that basis.
6. The appeal site is part of a residential terrace. The extent of the terrace containing the appeal site is enclosed to a significant degree to the rear by buildings to the south and east of the site. I saw that the location and extent of nearby buildings, as well as rear outriggers to the terrace, results in a significant sense of enclosure and loss of light to the rear of the appeal site and neighbouring dwellings. Due to this arrangement, the dwellings on either side of the appeal site are particularly sensitive to the effects of further development to the rear.
7. In respect of No 18, the submitted plans indicate that there was a ground floor offshoot to the 2-storey outrigger to the rear of the appeal dwelling. However,

the proposal would increase the projection of this ground floor element to the rear, and at a height of 3m it would be readily apparent from the rear amenity area of No 18, with an unacceptable increase in the sense of enclosure in the outlook from that property as well as loss of light. No 18 also has a glazed door on the rear elevation, and the proposal would also have an unacceptable overbearing and enclosing impact on views from that door as well as the amount of light reaching it.

8. With regards to No 22, there is a window of a habitable room which looks onto the rear amenity area. The submitted plans indicate that there was a previous ground floor offshoot to the rear of the appeal property, which would have affected the outlook and light levels of No 22. However, based on the submitted plans, the proposed extension close to the boundary with No 22 would project further to the rear. This would unacceptably exacerbate the sense of enclosure and loss of light in respect of the rear window and amenity area of No 22. The setback from the boundary and an intervening fence would do little to mitigate the harm I have identified. Due to the proximity to the boundary with No 22, I also saw that the backdrop of existing buildings did not negate the overbearing relationship and sense of enclosure arising from the proposal.
9. The appellant refers to similar examples of rear extensions in the area. However, while extensions to the rear may be relatively common, this does not lead me to a different conclusion in respect of Nos 18 and 22 based on my own observations and the particular circumstances of these properties.
10. Due to its scale and location, I conclude that the proposal would lead to significant harm to the living conditions of residents of Nos 18 and 22 in respect of outlook and light. The proposal would therefore be contrary to the amenity requirements of Policies 7B of the Ealing Development Management DPD and D3 of the London Plan 2021. The proposal would also be contrary to the National Planning Policy Framework with regards to achieving a high standard of amenity for existing and future residents.
11. I find no conflict with Policies 7.4 of the DPD and D4 of the London Plan as these policies relate to matters of design in respect of character and appearance rather than amenity.

Other Matters

12. The Council's Officer Report refers to issues of overlooking. However, given the design of the proposal I do not consider that it would lead to unacceptable loss of privacy to nearby properties.
13. Comments raised locally refer to the use of the property. However, this does not fall within the remit of this appeal which relates solely to built development.

Conclusion

14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR