



Appeal Decision

Site visit made on 22 February 2023

by S Rawle BA (Hons) Dip TP Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd April 2023

Appeal Ref: APP/A5270/W/22/3307251

225 Western Road, Southall, UB2 5HS

- 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 Amardeep Sahota against the decision of the Council of the London Borough of Ealing.
 - The application Ref 220858FUL, dated 1 March 2022, was refused by notice dated 26 April 2022.
 - The development proposed is the construction of 2 storey dwelling house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application the proposal was amended. The Council has confirmed that the proposal was determined based on drawing numbers; SO-923-01, SO-923-02, SO-923-10, SO-923-11 rev C, SO-923-12 rev C, SO-923-13 rev C and SO-923-14 rev C. For the avoidance of doubt, I have determined the appeal in accordance with these drawings. As the proposal was amended from a two bedroom to a one-bedroom dwelling, I have also adopted the description of development on the appeal form in order to more accurately reflect the amended proposal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of the occupants of No 227 Western Road with particular reference to enclosure and overshadowing; and
 - the living conditions of future occupants with particular reference to outdoor garden space.

Reasons

Character and appearance

4. There has been a previous appeal decision for this property¹. The Inspector identified that the appeal property lies within a formally laid out residential area and comprises garden land to the rear of No 225 Western Road, (No 225) an end of terrace property that occupies a corner plot position alongside the

¹ APP/A5270/W/21/3277681

junction of Manor Way with Western Road. In common with No 223 Western Road (No 223) on the opposite corner, No 225 has a deep rear garden, the end of which is devoid of substantial outbuildings resulting in a strong sense of spaciousness to the rear of the two properties and symmetry in the Manor Way street scene. Both these features are important positive attributes of the character and appearance of the locality. Following my site visit I agree with this assessment of the area's character and appearance.

5. Notwithstanding that the proposal has been reduced in scale during the application process, it would nevertheless result in the end of the rear garden of No 225 being occupied by a detached house with a substantial mass. Unlike the previous appeal scheme, the front elevation would not project further forward than No 2 Manor Way (No 2) and so would not break the consistent building line of the paired outer wing properties in the neighbouring terrace which the previous Inspector found continued the symmetry in the street.
6. However, to achieve this arrangement, the proposal would be sited further back on the plot with the rear elevation being only marginally set in from the common boundary with No 227. Similarly, the proposed development would have a minimal set in from the side boundary nearest No 2. Notwithstanding that there is an alley on this side of the appeal site, when viewed from Manor Way, due to the minimal distance the proposal would be sited from the rear and side boundaries, it would appear cramped on the site. Further, as a result of its siting and mass the proposed dwelling would erode the existing sense of spaciousness and symmetry in the Manor Way street scene created by the lack of buildings in the rear gardens of the appeal property and No 223 and would represent an overdevelopment of the appeal site.
7. Given the existence of the close boarded fence along Manor Way, which encloses the garden of the appeal property, the proposed boundary treatment or the subdivision of the rear garden would not cause material harm. Moreover, the proposed materials, fenestration and architectural design would be compatible with its surroundings. However, these factors do not ameliorate the harm the proposal would have on the character and appearance I have identified.
8. I therefore conclude that the proposed development would be harmful to the character and appearance of the area in conflict with Policies D3, D4 and D6 of the London Plan - The Spatial Development Strategy for Greater London March 2021 (the London Plan) and Policies 7B and 7.4 of the Council's Development Management Development Plan Document (DPD) adopted on 10 December 2013. Amongst other things, these policies seek to ensure new development comprises high quality design appropriate for the surrounding context which is informed by and complements local distinctiveness. It would also conflict with the National Planning Policy Framework which promotes development that is sympathetic to local character.
9. In their reasons for refusal, the Council has cited Policy 3.5 of the DPD. However, they have subsequently confirmed that the relevant table referenced in that policy has been superseded and so I have not taken it into account in the determination of this appeal. Moreover, amongst other things, Policy 7D of the DPD, seeks to ensure development that increases demand for open space make an appropriate contribution towards meeting that demand and so is not directly relevant here, but is considered further below.

Living conditions of the occupants No 227

10. The proposed development would be sited close to the common boundary with No 227 and would be clearly visible above the existing wall. However, it would be located at the end of the garden adjacent to an existing outbuilding in the neighbouring property. The proposed house would be located away from the area of garden immediately outside the neighbouring house and therefore would not cause an unacceptable sense of enclosure. Similarly, given the siting of the proposal, relative to the existing outbuilding at No 227, together with its alignment relative to the trajectory of the sun, any limited additional overshadowing would be towards the back of the neighbouring garden. Consequently, the proposal would not cause material harm to the living conditions of the occupiers of No 227.
11. I therefore conclude that the proposed development would not have an adverse impact on the living conditions of the occupants of No 227 with particular reference to enclosure and overshadowing. The proposal would not conflict with Policy D6 of the London Plan which amongst other matters seeks to ensure that development proposals minimise overshadowing. The Council's decision notice refers to Policy 7A of the DPD which relates to development which, in the course of its operations will cause emissions. Based on the available evidence, this is not relevant in this case.

Living conditions of future occupants

12. The proposed garden area would be located to the side and front of the proposed house. In accordance with the supporting text of Policy 7D, the amount of private garden space would exceed 50 sq.m. Most of the garden would be enclosed by a high section of front wall and close boarded fencing. This would ensure that adequate genuinely private outside garden space would be provided, which would be screened from roads, not permanently overshadowed, and consequently would be fit for purpose.
13. I therefore conclude that the proposed development would not have an adverse impact on the living conditions of future occupants of the proposed house with particular reference to the provision of outdoor garden space. The proposal would not conflict with Policy 7D of the DPD which amongst other matters seeks to ensure adequate useable private outside garden space is provided.

Other Matters

14. I have taken account of the fact that other houses have been granted planning permission in gardens in the same London Borough. However, these other examples are in an entirely different part of the Borough with a substantially different character and appearance. As a result, they do not have the same relationship with their surroundings and so their impact is materially different. Therefore, these other examples do not justify harmful development on the appeal site.
15. I acknowledge that the proposal would increase housing supply, however as it would result in only one additional dwelling, the benefit is limited and would not outweigh the harm I have identified.

Conclusion

16. I am satisfied that the proposal would not have an adverse impact on the living conditions of neighbouring residents or the future occupants of the proposed development. However, for the reasons I have set out, the proposal would be harmful to the character and appearance of the area. Overall, I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made otherwise in accordance with it. Therefore, the appeal is dismissed.

S Rawle

INSPECTOR