



Appeal Decision

Site visit made on 23 February 2023

by **S Lo LLB M.SRA**

an Inspector appointed by the Secretary of State

Decision date: 03 May 2023

Appeal Ref: APP/A5270/D/22/3311181

88 Westbury Avenue, Southall, UB1 2XA

- 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. Nimrit Dhesi against the decision of London Borough of Ealing.
 - The application Ref 221683HH, dated 19 April 2022, was refused by notice dated 18 October 2022.
 - The development is a single storey side extension
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted retrospectively, and I have considered the appeal on the same basis. The works also include the removal of a link between the main building and a detached outbuilding.

Main Issue

3. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

Character and Appearance

4. The appeal site is a two-storey end of terrace house, located on the corner of Westbury Avenue and Selby Gardens. It has been extended with a single storey side and rear extension. The side extension is being used as a kitchen which is accessed through the internal courtyard from the main building. The plans indicate that this space previously functioned as a narrow accessway from the front aspect of the appeal site.
5. A separate roof was created for the side extension, which has the external appearance of multiple staggered roof sections from the side aspect. As such, the side extension introduces a varying number of roof heights, which is visible from public views. The eaves of the side extension also slightly overhang the pavement which runs along Selby Gardens.
6. Other side extensions are located at 171 Westbury Avenue, 32 Hillside and 63 Verulam Road. However, while I am not aware of the detailed circumstances of those cases, they are not directly comparable with the proposed development because they do not have eaves which overhang the public highway.

Additionally, due to the unusually constrained accessway space that was replaced, the proposed development is significantly narrower in comparison. This narrow aspect is visually significant, as it is reflected in the roof shape and leads to the extension appearing unacceptably incongruous in its setting. In any event, I must consider the appeal scheme on its own merits.

7. The insertion of multiple skylights along the length of the side extension roof are also not common features of the properties in the area and this visual design contrasts with the established street scene. Additionally, the use of the staggered roof shape adds bulk to the property which is at odds with the prevailing pattern of built form. The height and proximity of the of the single-storey side extension to the pavement means that there is no screening available from public views. The extension further appears prominently because of the overhanging of the eaves on the roof, which adds to the contrived width of the overall design.
8. In reaching this view, I have considered the fact that the front part of the side extension was in place before the construction. However, this was previously a door which functioned as a front facing access point and is now a window for the kitchen, therefore a modest alteration of the front aspect has occurred. I have considered whether the staggered roofline of the side extension functions as a design response to the upwards slope along Selby Gardens, however, it does not draw reference from any properties up the slope or the wider terrace nor does it visually improve the views along the slope. As such, it is at odds with the pattern of development. I have also considered that the removal of the projection that links the side extension to the rear extension would be of benefit, as it would reduce the height of the wall and as such, would be a noticeable improvement to the street scene. Nevertheless, the side extension would appear as a prominent and discordant feature and on balance, the removal of the link would not justify the harm which would occur to the appearance of the property.
9. The appellant's suggestion to use a condition to alter the roofscape to match the host property would not make the development acceptable, due to the other harmful features I have identified above. Also, whilst the appeal site is not located within a conservation area, this does not undermine the requirement for the appeal scheme to respect local character.
10. In conclusion, the proposed development would harm the character and appearance of the area and would therefore not comply with the requirement for development to enhance local context contrary to policy D3 of The London Plan (2021). The proposed development would not complement the building pattern or scale, and as such would not achieve a high standard of amenity, contrary to Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013).

Other Matters

11. The Council raised concerns that they had no information on the use of the extension and therefore could not assess its effect on the character of the area or the living conditions of nearby occupiers fully.
12. There is no access from the main structure of the house to the side extension, which the Council consider unreasonable, given that any occupiers would have to enter the rear garden in order to access the kitchen. As such, this raises the

possibility that it would not be used for the enjoyment of future occupiers of the main house. However, the response of the appellant is that they intend to use the outbuilding as an office space/gym and as such, the kitchen in the side extension is to be used as ancillary space for the outbuilding, notwithstanding that it would continue to be used as an integral part of the main structure as a whole.

13. I recognise the Council's concerns regarding the use of the side extension, however, as indicated on the plans and observed during my site visit, it is already functionally in use as a kitchen. As such, it is reasonable that it could be used as ancillary space for the outbuilding (notwithstanding that the use of that outbuilding is being evaluated under a separate application) and I have no evidence before me to suggest otherwise. While I do recognise that it is unusual, no material harm has been identified that would result if the side extension was to be used as an ancillary space for the outbuilding, which would itself be ancillary to the main house.
14. The Council also alleges a conflict with policies D4 of the London Plan (2021) and policies 1.1. and 1.2 of the Ealing Development Strategy 2026 Development Plan Document (2012). However, these have little direct relevance to the proposal and carry little weight.

Conclusion

15. I have found that the appeal scheme conflicts with development plan policy and thus find that it would be contrary to the development plan as a whole. No material considerations have been demonstrated which would outweigh the development plan conflict. Therefore, for the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

S Lo

INSPECTOR