



Appeal Decision

Site visit made on 18 July 2023

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 October 2023

Appeal Ref: APP/A5270/D/23/3321882

29 Shaftesbury Avenue, Southall UB2 4HH

- 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 Ravneet Singh against the decision of the Council of the London Borough of Ealing.
 - The application Ref 225300HH, dated 19 December 2022, was refused by notice dated 13 March 2023.
 - The development proposed is for a first floor single storey rear extension of 5m with a side dormer extension from the approved planning REF: 222571CPL.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The description of development in the banner above has been taken from the planning application form. In Part E of the appeal form, it is stated that the description of development has not changed but a different wording has been entered. I have however determined this appeal on the original description of development as neither of the main parties has provided written confirmation that a revised description of development was agreed.
3. When I visited the appeal site, construction works had commenced on the ground floor with external walls erected around the side and rear of the house. I have however based my decision on the submitted proposed plans for which the Council refused planning permission.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the local area and the effect on the living conditions of the occupants of No. 31 Shaftesbury Avenue with particular reference to light and sense of enclosure.

Reasons

Character and appearance

5. The appeal site is a two storey house with a gable end roof that gives it a distinctive and attractive appearance. The surrounding area is residential in character, generally consisting of two storey detached and semi-detached houses. Several houses in the street have been altered and extended with different design features. However, there are some remaining houses which share the same original design and form as the appeal site. This results in a

pleasing repetition in the street scene and positively contributes to the character and appearance of the area.

6. The combined effect of the continuous roof ridge height and pitch, in conjunction with the increased roof depth, would result in an extension that has a large expanse of roof. Particularly when viewed from the side elevation, the extension would present as a solid unbroken structure. This would emphasise its scale and mass, and overall, would not complement the original proportions of the house. I appreciate that the main bulk of the extension would not be in full view from the front street. However, it would be visible from the neighbouring rear gardens and its dominant scale and massing would be most prominent from this rear perspective. The specific design details in terms of the matching material palette would not sufficiently address this issue.
7. I therefore conclude that as a result of its depth, width, height, scale and massing, the extension would not amount to a subservient addition to the site. As a result of this, the proposal would have a significantly harmful effect on the character and appearance of the local area. It would therefore fail to comply with Policies D1 and D4 of the London Plan (the LP) (2021) and Policies 7.4 and 7B of the Development Management Development Plan Document (the DMDPD) (2013). Amongst other things, these policies require development to positively respond to the local context through its scale and appearance, having due regard to the existing form and proportions of the building. The proposal would therefore fail to comply with part c) of Paragraph 130 of the National Planning Policy Framework (the Framework) (2021) which indicates that decisions should ensure that developments are sympathetic to local character.
8. In the delegated officer's report, the Council takes issue with the cumulative impact of the combination of the ground floor extensions with the first floor extension and considers this to create an overbearing addition, at odds with the proportions of the house and the pattern of development. Comments are also made that the repositioning of the main entrance to the front elevation would dominate the front elevation, would alter the original character of the house and cause harm to the character of the surrounding area. It is not particularly clear if these matters formed part of the reason for refusal, as the second reason for refusal which relates to the character of the building and the visual amenities of the area, only refers to the first floor rear extension, which I have considered the effect of on the character and appearance above.

Living conditions

9. The extension would be directly adjacent to the two first floor side elevation windows at No. 31. At my site visit, I saw that these windows were fitted with obscure glazing lighting a bathroom and en-suite. Given that these windows light non-habitable rooms, the proposal would not impact light, outlook, or result in an increased sense of enclosure to these side windows to a degree that would be harmful to the living conditions of the occupants.
10. Whilst the extension would extend beyond the rear elevation of No. 31 and would be close to the boundary, there is no substantive evidence before me to show that as a result of its depth and height, it would result in a significant reduction in light or overshadowing to the rear windows serving the main habitable space or to the garden.

11. Accordingly, I find that the proposal would comply with Policy D6 of the LP (2021), Policy 1.1 of the Development Strategy 2026 Development Plan Document (2012) and Policy 7B of the DMDPD (2013). Taken together, the relevant aspects of these policies seek to ensure that new development provides a high standard of amenity for adjacent uses. The proposal would also comply with part f) of Paragraph 130 of the Framework which along with other things seeks to create places with a high standard of amenity for existing users.
12. The decision notice refers to Policy D3 of the LP (2021) and Policy 7.4 of the DMDPD (2013). However, as these policies concern design and character and appearance, the policies are not determinative in relation to this issue.

Other Matters

13. As a lawful development certificate was issued for a rear roof extension and side dormer extension, I accept that there is a high likelihood that these works would go ahead and therefore consider this to be a credible fall-back position. Accordingly, I give significant weight to this fall-back position. However, the fall-back scheme has a much smaller footprint as it is set back from the rear elevation and does not increase the overall depth of the first floor. It is also contained within the existing roof slope and is set down from the main roof ridge. In contrast, the proposal would have a greater height, massing and scale than the fall-back scheme and would differ in design. Subsequently, the proposal would result in greater harm to the character and appearance than the fall-back scheme, and as such the existence of a fall-back position is not sufficient to outweigh the significant harm identified above.
14. From the evidence before me, a ground floor rear extension was previously granted under a prior approval application, a ground floor side extension was previously granted under a lawful development certificate application, and a subsequent planning application to combine these extensions and include an additional side/rear extension was also approved. It would seem that these previous permissions for the side extension also allowed for the repositioning of the main entrance to the front elevation. There is a high likelihood that these works would go ahead and therefore consider this to be a credible fall-back position which carries significant weight. Given that the proposed ground floor extension is similar to those previously approved ground floor extensions in terms of scale, mass and design, it would not have a materially greater effect on the character and appearance of the local area. Nevertheless, a lack of harm in this respect is neutral as the appellant has applied for a first floor extension.
15. I accept that there are houses within the street that appear to be larger than the appeal site, and the street has not been prescribed any special designation for architectural or historic merit. However, this does not necessitate for the allowance of further erosion to the character and appearance of the area through harmful extensions. Furthermore, I have not been made aware of the individual circumstances that led to these extensions being built, and in any event, every appeal must be considered on its own merits. The presence of other extended houses in the area does therefore not justify the harm to the character and appearance that I have identified above.

Conclusion

16. Whilst I have found that the proposal would not be harmful to the living conditions of the occupants of No. 31, this is not sufficient to outweigh the significant harm to the character and appearance of the local area. The proposal therefore conflicts with the development plan, read as a whole. There are no material considerations that have been shown to carry sufficient weight to indicate a decision otherwise in accordance with it.
17. I therefore conclude that the appeal should be dismissed.

L Reid

INSPECTOR