



Appeal Decision

Site visit made on 6 November 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2023

Appeal Ref: APP/A5270/W/23/3322894

24A Highlands Avenue, Ealing, Acton W3 6EU

- 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 & Mrs K & A Wegrzynek & Szmurlo against the decision of the Council of the London Borough of Ealing.
 - The application Ref 231119FUL, dated 19 March 2023, was refused by notice dated 4 May 2023.
 - The development proposed is the extension of existing rear balcony with addition of privacy screens.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - the living conditions of the occupants of 14, 24 and 26 Highlands Avenue, with regard to privacy, outlook and noise and disturbance; and
 - the character and appearance of the area.

Reasons

Living conditions

3. The appeal site comprises a two-storey terraced building, which has a flat at first floor level. The area is characterised by two-storey terraced properties with large rear projections, some of which are used as balconies. The property has an existing balcony to the rear enclosed by metal railings, which provides direct views towards the surrounding properties.
4. The proposal seeks to enlarge the balcony, using the flat roof of a single-storey element to the rear and installing obscure glazed screens to either side. In a denser urban setting such as this a degree of mutual overlooking is typical resulting in lower levels of privacy. The existing balcony provides views of surrounding properties and their private external spaces, however its small size and position adjacent to the host building limits any sense of being overlooked by neighbouring residents, particularly those at No 24 and No 26.
5. The obscure glazed screens would reduce the amount of direct overlooking towards properties on either side of the site. However, direct overlooking of the rear gardens of No 24 and 26 would still be possible from the rear of the balcony. The increase in size of the balcony, extending closer to the edge of the flat roof, would ensure that users would be highly visible to neighbours; much

more so than may currently be the case. This would result in a significant increase in the perception of being overlooked, particularly given the limited private space afforded to these properties. The glazed screens would neither alter nor mitigate that unwelcome perception.

6. There is a balcony at No 14, which is similar to the proposed balcony. However, the presence of other balconies in the area, which have different relationships with neighbours, does not mean that this particular example would be acceptable. As I must, I have considered the specific context of this proposal and concluded that it would cause unacceptable harm. I also acknowledge the presence of the stairs to the rear of properties in the area. Whilst the stairs may result in overlooking of surrounding properties, the stairs are typically for access purposes and do not have significant space for occupants to use in the same manner as a balcony and therefore the effect of any overlooking is reduced.
7. The existing balcony is limited in size, but is stated to be well used. It would be reasonable to assume that the enlarged balcony would result in a rise in its usage and capacity resulting in the potential increase in noise and disturbance. The noise and disturbance associated with the balcony would likely be commensurate with that generated by the use of rear gardens of the surrounding properties. Given that the balcony would be used for domestic purposes within an overtly residential area, I do not consider that the noise and disturbance generated would be demonstrably harmful to the living conditions of neighbouring residents.
8. The proposed screens would extend either side of the balcony, including adjacent to No 26. The screens would have a limited height and depth and combined with their translucent nature, would not appear overbearing or unneighbourly for the occupants of No 26. The screens would therefore not result in harm to the outlook to the ground floor of No 26 over and above the existing situation.
9. I conclude that the proposal would harm the living conditions of Nos 14, 24 and 26 with regard to privacy. The development therefore fails to accord with Policies 7.4 and 7B of the Ealing Development Management DPD, emerging policy DAA of Ealing's Local Plan (ELP), Policies D1 and D3 of the London Plan (LP), and the National Planning Policy Framework (the Framework), which collectively require development to deliver appropriate privacy and achieve a high standard of amenity.

Character and appearance

10. The proposal would be located to the rear of the site where the area is characterised by the rear gardens and courtyards of surrounding properties. Development in the area includes balconies on flat roofs and raised platforms with metal railings providing stepped access to the first floor of buildings.
11. Increasing the size of the existing balcony, and the other alterations proposed, would not appear inconsistent with the prevailing pattern of development in the area, nor would it have a detrimental impact on the character of the host dwelling. There are instances where flat roofs are in use as balconies. Notwithstanding my conclusion in respect of living conditions, the development would be in-keeping with its surroundings.

12. I conclude that the proposal would not harm the character and appearance of the area. The development would therefore accord with Policies 7B and 7.4 of the EDM, ELP Policy DAA and LP Policies D1 and D3, which collectively require proposals to positively respond to local distinctiveness and complement their street sequence, building pattern, scale, materials and detailing and the Framework which requires development to be sympathetic to local character.

Conclusion

13. The proposal would not accord with the development plan as a whole and there are no material considerations, which would indicate that a decision should be made otherwise. For the reasons given above I conclude that the appeal is dismissed.

J Pearce

INSPECTOR