



Appeal Decision

Site visit made on 6 November 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2023

Appeal Ref: APP/A5270/D/23/3322335

15 Saxon Drive, Acton, Ealing W3 0NU

- 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 Sadar Hussain against the decision of the Council of the London Borough of Ealing.
 - The application Ref 230460HH, dated 3 February 2023, was refused by notice dated 12 April 2023.
 - The development proposed is a roof extension, 6m ground floor rear extension and first floor rear extension. Proposed reduction of porch to porch design approved in application 212617HH.
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Decision

1. The appeal is allowed and planning permission is granted for a roof extension, 6m ground floor rear extension and first floor rear extension. Proposed reduction of porch to porch design approved in application 212617HH at 15 Saxon Drive, Ealing, Acton W3 0NU in accordance with the terms of the application, Ref 230460HH, dated 3 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 202301/15SD/RET/S1, 202301/15SD/RET/01, 202301/15SD/RET/02, 202301/15SD/RET/03, 202301/15SD/RET/04, 202301/15SD/RET/04, and 202301/15SD/RET/05.
 - 3) The materials to be used in the construction of the external surfaces of the porch hereby permitted shall match those used in the existing building.
 - 4) Unless within three months of the date of this decision the glass balustrades for the Juliette balconies on the rear elevation are installed, the development hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed. Upon installation, the balustrades shall thereafter be retained for the lifetime of the development.

Preliminary Matters

2. The application form indicates that the proposal is to retain a number of extensions that have already been constructed, and to construct a different porch to that approved under an earlier application. The application is therefore part retrospective. I note that the submitted plans show Juliette balconies with glass balustrades on the rear extensions. These had not all been fitted at the

time of my site visit. For the avoidance of doubt, I shall make my decision against the plans submitted with the application and listed on the decision notice. I have amended the description of development in the banner heading and my formal decision to remove reference to retention as this is not an act of development under s55 of the Act.

Main Issues

3. The main issues are effect of the proposal on:

- the character and appearance of the host property and the area; and
- the living conditions of the occupants of Nos 13 and 17 Saxon Drive, with regard to privacy.

Reasons

Character and appearance

4. The appeal site is a two-storey dwelling forming the end of a terrace. Development on this side of Saxon Drive is set back from the road and takes a linear form with limited gaps between terraces. Properties in the locality appear to have been altered, particularly to the rear where two-storey extensions and dormers are common.
5. The scheme includes a two-storey and roof extension to the rear of the dwelling. Although a significant addition to the host property, the form of the original dwelling remains legible, and the development retains the overall character of the dwelling. The rear extension is similar in scale, depth and form to other rear extensions in the locality, particularly within Saxon Drive and Walton Way.
6. The extension is not prominent within the locality due to the proximity of the appeal property to its neighbours and its position set back from the road frontage. The intervening buildings, both to the side and the rear of the site, obscure views and limit the visual effect of the scale of the development. The rear extensions do not therefore have a detrimental effect on the street scene.
7. I note that the application includes a proposal for an amended porch at the front of the property. The Council does not raise concerns with this element of the scheme, which would be smaller than that already approved under an earlier application. I see no reason to take a different view.
8. I conclude that the development as a whole would not harm the character or appearance of the host property, or the area. It therefore accords with Policies 7B and 7.4 of the Ealing Development Management Development Plan Document (2013) (EDM) and Policies D3 and D4 of the London Plan (LonP), which collectively require proposals to positively respond to local distinctiveness and complement their street sequence, building pattern, scale, materials and detailing.

Living conditions

9. The site is immediately adjacent to Nos 13 and 17 Saxon Drive, which are either side of the appeal property. The submitted plans show Juliette balconies at first floor level. The balconies are proposed to be finished with glazed balustrades, attached to the walls. The balustrades would prevent persons from

being able to step out onto the flat roof of the single-storey element of the scheme. The balustrades would therefore prevent any overlooking as a result of the use of the flat roof by occupants of the host dwelling.

10. I conclude that the development would not harm the living conditions of the occupants of Nos 13 and 17 Saxon Drive. It therefore accords with EDM Policies 7B and 7.4 and LonP Policies D3 and D6, which collectively require development to deliver appropriate privacy and achieve a high standard of amenity.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty.
12. In order to protect the character and appearance of the host property and the area, I have also imposed a condition requiring the external materials used in the construction of the porch to match those of the existing building.
13. I have also imposed a condition requiring the glass balustrades to be installed within three months of this decision. This is required to prevent access to the flat roof in the interests of safeguarding the living conditions of occupants of neighbouring properties. Although metal balustrades have been installed, I have dealt with the scheme on the basis of the submitted drawings. The suitability of the metal railings would be a matter for the Council to consider outside of this appeal.

Conclusion

14. The scheme accords with the development plan taken as a whole. For the reasons given above I conclude that the appeal should be allowed.

J Pearce

INSPECTOR