

Appeal Decision

Site visit made on 4 January 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25.01.2024

Appeal Ref: APP/A5270/D/23/3329574

3 Avalon Close, West Ealing W13 0BHJ

- 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 Mrs Raquel Fitzgerald against the decision of the Council of the London Borough of Ealing.
 - The application Ref 225229HH, dated 7 December 2022, was refused by notice dated 17 March 2023.
 - The development proposed is a first floor rear extension 3 meters deep.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The description of proposed development given above, taken from the application form, pre-supposes that an approved ground floor extension would already have been built separately. That had not happened at the time of my site visit, so the Council's amended description including both main elements is more accurate: *part single, part first floor rear extension incorporating a Juliet balcony; rear gable roof extension; and installation of one rooflight to front roofslope*. I have assessed the appeal on the basis of the full scheme as presented.
3. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023, during consideration of the appeal. Having regard to the changes in the Framework and to the comparatively minor scale and nature of this appeal proposal, I consider that further consultation on this matter is not necessary.

Main Issue

4. The main issue is the effect of the proposal on neighbours' living conditions at 2 Avalon Close next door, in terms of the effect on outlook.

Reasons

5. 2 and 3 Avalon Close are mid-terraced houses with gardens to the rear. The appeal proposal includes a ground floor rear extension much as previously approved, plus a first floor section measuring about 3m deep and 5.7m high to

the eaves. This would be built along the shared boundary, next to a ground floor rear window and the immediate rear garden space at No 2.

6. Due to its proximity, height and depth, the 2 storey side wall would be a substantial structure that would loom high over the rear window at No 2 and the adjacent garden area. A wall of this height and depth in this position would become an oppressive feature, intruding on the outlook from the rear of No 2. There is at present a row of evergreens on this boundary, within the garden of No 3, which must need to be removed for the extensions to be built. These are themselves very tall, but form a softer and likely more temporary boundary feature than would a new wall. Although No 2 has a reasonably long garden, the area of garden next to the back of a house is usually of particular importance to occupiers so its outlook merits protection.
7. The appellant argues that this would be similar to a 3m deep extension which could be built as permitted development¹. As I understand it, however, the eaves height of such an extension would be limited to 3m because the extension would be within 2m of the boundary. It therefore appears that the impact of the proposed extension would be much different to that of a potential permitted development scheme.
8. The Council has not raised any concerns in regard to the effects on privacy and light at No 2, and I see no such objections. I note that other 2 storey extensions have been granted planning permission on Avalon Close in the past, but do not have full details of those cases. I have assessed this proposal on its own merits, in light of current policies. I also note that the neighbours at No 2 have not objected, but must consider the wider public interest, noting that others may live in that property in the future.
9. I conclude that the proposal would unacceptably harm neighbours' living conditions at No 2, in terms of the effect on outlook. It conflicts with policy D6 of the London Plan and policy 7B of the Council's Development Management Development Plan Document, which aim to ensure that developments achieve a high quality of amenity for adjacent uses.
10. I am sympathetic to the appellants' reasonable wish to improve the house to provide better family accommodation and to make better use of the site. I also note the appellant's frustration about communications with the Council, but must assess this proposal on its planning merits only. These factors are not sufficient to override my findings in regard to the main issue. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ Under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).