



Appeal Decision

Site visit made on 20 February 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2024

Appeal Ref: APP/A5270/W/23/3323935

71 Grosvenor Road, Hanwell, Ealing, W7 1HR

- 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 A Hoxhaj against the decision of the Council of the London Borough of Ealing.
 - The application Ref 224867FUL, dated 17 November 2022, was refused by notice dated 19 January 2023.
 - The development is described as a single storey side and rear extension to ground floor flat; replacement of window to ground floor side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side and rear extension to the ground floor flat and the replacement of a window to the ground floor side elevation at 71 Grosvenor Road, Hanwell, Ealing, W7 1HR in accordance with the terms of the application, Ref 224867FUL, dated 17 November 2022, and as depicted on drawing nos LP01, BP01 and 1102 Rev A, and subject to the following condition:
 - 1) No part of the roof of the single storey side and rear extension hereby permitted shall be used as, or altered to form, a balcony, roof garden, roof terrace or similar amenity area.

Procedural Matter

2. At the time of the planning application the development was under construction. As set out in the appeal statement and confirmed on my visit, it is now complete. I have therefore dealt with this appeal on the basis of its retention.
3. Whilst the description of the development differs on the decision notice and the appeal form compared to the application form, as the appellant has indicated that he is agreeable, I have used the amended description in my decision.

Main Issue

4. The main issue is the effect of the development on the living conditions of adjacent occupiers, with particular regard to the outlook from, and availability of natural light to, 69 and 73 Grosvenor Road.

Reasons

5. The extension abuts the plot's side boundaries. It is the same depth as a previously approved extension at the property (Ref: 200838FUL), but compared to that 'approved scheme', this extension is taller. As built it is around 3 to 3.15 metres high, whilst the approved scheme, as depicted on drawing no. 102 Rev B, and based on the Council's calculations, had a height of 2.4 to 2.58 metres.
6. The adjoining terraced house at No 69 has a rear facing ground floor dining room window with a 'tunnelled' outlook down a side space between its own two storey outrigger to one side and a wall on the boundary with No 71. Although the development as built is a fairly tall single storey structure, which borders a fairly long stretch of the boundary, there is a void area behind that part of the boundary wall closest to that window. This ensures that the outlook from that window has not become significantly more enclosed, and that the room it serves has not experienced a harmful loss of natural light.
7. No 69's ground floor south facing kitchen window is located directly opposite the boundary wall with the void beyond. It is a secondary window from where the development is viewed offset slightly to the left. The principal source of natural light to No 69 is from the glazing in its single storey rear projection. That glazing also provides its main rear outlook down its own garden, and has not been significantly impacted by this development. Given its dimensions, that rear garden area, rather than the narrow side space, serves as No 69's principal outdoor amenity area.
8. The extension also projects beyond No 73's two storey outrigger, which contains patio doors at ground floor. Those doors provide a reasonably large area of glazing and are set in from the boundary. To the other side the single storey development is shorter than the scheme before me and it is set in from the boundary. Consequently, whilst the development is clearly visible to the left from those doors and from No 73's adjacent outdoor space, it has not had a harmfully adverse effect on those occupiers' outlook, nor caused them a significant loss of natural light.
9. On the basis of the evidence before me, the decision on the approved scheme is no longer extant. However, irrespective of whether or not it constitutes a legitimate fallback, for the above reasons I am satisfied that the scheme as built has not had a harmfully adverse impact on the living conditions at No 69 and No 73.
10. Collectively, and in general terms, Policy D6 of the London Plan 2021, Policy 7B of the Ealing Development Management Development Plan Document 2013 and Policy 1.1(g) of the Ealing Development Strategy 2012 require development to protect and enhance the borough's suburban communities, and to achieve a high standard of amenity for adjacent uses, with reference to matters such as visual impact, daylight and sunlight, and maximising the usability of outside amenity space. For the above reasons, this scheme does not conflict with that approach.
11. Finally, as the development continues to ensure a high standard of amenity for existing and future users, it does not conflict with paragraph 135 f) of the National Planning Policy Framework 2023.

12. The Council has not suggested any conditions in the event that the appeal is allowed. Given that the development is already in place, and having regard to the Council's decision on the approved scheme, the only condition I have imposed is to prevent the extension's roof from being used as an outdoor amenity space. This is necessary given its large flat area and its location abutting the plot's boundaries, where such a use could give rise to significant overlooking of neighbouring occupiers to the detriment of their living conditions.
13. Subject to that condition, the development has not had a harmfully detrimental impact on the adjacent occupiers, and having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR