



Appeal Decision

Site visit made on 26 February 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2024

Appeal Ref: APP/A5270/D/23/3328364

35 St Peters Road, Southall UB1 2TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Mr Sanjay Shah against the decision of London Borough of Ealing.
 - The application Ref is 232961PALHE, dated 20 July 2023, was refused by notice dated 16 August 2023.
 - The development proposed is ground floor rear extension.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the GPDO for ground floor rear extension at 35 St Peters Road, Southall UB1 2TL in accordance with the terms of the application, Ref 232961PALHE, dated 20 July 2023, and the details submitted with it including; Location Plan (1:1250); Proposed Block Plan Drawing No GTD1194 – 03LHE; Proposed Rear and Side Elevations Drawing No. GTD1194 – 02LHE pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4.

Background and Main Issue

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO, planning permission is granted for the enlargement, improvement, or other alteration of a dwellinghouse subject to limitations and conditions.
3. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
4. In that context, the main issue of the appeal is whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class A of the GPDO and the impact of the proposed development on the amenity of adjoining premises with regard to outlook and daylight/sunlight.

Reasons

5. The appeal property relates to a mid-terrace two storey dwellinghouse which is enclosed by a tall fence to the rear which separates the property from its adjoining neighbour at 37 St Peters Road (No 37) to the east. Neighbouring property No. 33 St Peters Road (No 33) is located to the west and is separated by a brick wall. The rear garden areas of the appeal property and its

neighbours are long and narrow, and many have outbuildings located to the rearmost part of the garden.

6. The host property already benefits from a full width single storey rear extension and many nearby properties including neighbouring property No. 33 benefits from extensions/additions to the rear which vary in size and design.
7. The proposed development seeks to replace the existing single storey rear extension with a full width single storey rear extension which would be 6 metres in depth. Whilst the proposed rear extension would project further outwards from the rear elevation than the existing extension, it would remain to be single storey of a relatively low height. Its relatively limited depth would match up to the existing rear addition serving No 33.
8. The extension would be visible from No 37. However, its low height and flat roof form ensures that the proposed development would not represent a visually overbearing feature for the existing occupiers of No 37 particularly when taking into account the existing rear addition which already sits along the boundary of the neighbouring property. Moreover, the tall fence that currently exists along the boundary would help screen a large proportion of the extension which would ensure that outlook would not be so severely restricted from No 37. The orientation of No 37 and the positioning of the windows within the rear elevation also means that it has direct outlook over its own rear garden area and outlook from inside the property would be at an angle where outlook would largely be retained.
9. Furthermore, given the overall limited height and depth, the proposed development would not result in an unacceptable harm having regard to daylight/sunlight.
10. Whilst the living conditions of No 33 were not referred to in the Council's decision notice, the officers report does include reference to No 33 and I also note third party concerns as well as the requirements of the GDPO. On this basis and for completeness, No 33 already benefits from a single storey rear addition which sits on the boundary with the appeal site as well as being separated by a brick wall. As a result, outlook onto the appeal site is already limited and the proposed extension would match up to the existing rear addition serving No 33. This would ensure that the proposed development would not result in an unreasonable degree of harm in terms of outlook and daylight/sunlight. In a similar way to No 37, the orientation of the property and relationship that exists also means that outlook would largely be retained over their own garden area. I note concerns regarding the outbuilding and previous works that have taken place at the appeal property which are said to have contributed to a reduction in sunlight into the neighbouring rear garden area of No 33. I am however determining the appeal proposals that are before me opposed to any other existing works that have taken place at the site and I am satisfied that the limited height and depth of the proposed development would not result in an unacceptable harm having regard to matters relating to outlook and daylight/sunlight.
11. Given that the extension is acceptable in size and scale, I conclude that the proposed development would not have an unacceptable impact on the amenity of adjoining premises with regard to outlook and daylight/sunlight. It would therefore meet the requirements of Article 3, Schedule 2, Part 1, Class A of the GDPO.

Other Matters

12. In considering this appeal, I have had due regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010, in particular the need to eliminate discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others.
13. I am aware of concerns regarding character and appearance of the proposed development. However, the development would remain single storey of a relatively low height with an overall design similar and complimentary to that of the main property. This, together with the limited depth would be subordinate to the main property. Additionally, the extension would be well shielded from views given the location to the rear of the property and any visual impact arising from the proposed development would be limited. It would also not appear discordant given the diverse appearance of rear extensions/additions nearby.
14. Matters relating to property value has not affected my findings in relation to the above main issue.

Conditions

15. Any planning permission granted for the development under Article 3(1) and Schedule 2, Part 1, Class A of the GPDO is subject to the standard conditions set out in paragraph A.3 including that the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed, and prior approval should be granted.

N Teasdale

INSPECTOR