

Appeal Decision

Site visit made on 4 March 2024

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21.03.2024

Appeal Ref: APP/A5270/W/23/3327674

33 and 35 Brassie Avenue, Acton W3 7DF

- 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 Hassan Eid against the decision of the Council of the London Borough of Ealing.
 - The application Ref 231112FUL, dated 17 March 2023, was refused by notice dated 17 May 2023.
 - The development proposed is a ground floor rear extension (6.0m), first floor rear extension (3.5m) and roof extension to Nos 33 & 35 (joint application).
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application is part-retrospective in that the main roofs of both houses have been raised much as proposed and the ground and first floor rear extensions have been built at No 35. The Council states that the proposed plans are inaccurate, but does not clearly specify any particular discrepancy. The appellant confirms that where there is any discrepancy between the proposed plans and the development on site, the plans should be taken as being the proposal. I have considered the appeal on this basis.
3. The proposal is advanced as a joint application, but no effective mechanism has been suggested to ensure that the proposed rear extension to No 33 is built. The appellant suggests a condition requiring a start within 1 year. That approach could not, however, secure full construction of the extension to No 33. As set out in the Government's Planning Practice Guidance, conditions should not be used to require a development to be carried out in its entirety. I note that the Council has used a planning condition for other similar joint applications in the local area, requiring the extensions to be built simultaneously. Without commenting on the validity of that approach, that wording cannot apply here because part of the development has already been carried out. In the absence of any viable means to ensure completion of the extension at No 33, I have to assess this proposal on the basis that it might not be built, leaving the development as is.

4. 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 issues

5. The main issues are the effects of the proposal on:
- i) The character and appearance of the houses and the local area;
 - ii) Living conditions at 31, 33 and 37 Brassie Avenue, in terms of the impact on the outlook from those properties.

Reasons

Character and appearance

6. Nos 33 and 35 are a pair of hipped roof semi-detached houses, within a row of similar houses on a gently sloping street in a residential area. Their raised roofs now lift them above the neighbouring houses further down the slope (Nos 31, 29, etc) but the retention of the hipped roof form at the front helps them fit in with a street scene where uniformity of scale and design is not an important characteristic. The increased depth of No 35, with its new crown roof form to the side and rear is noticeably different from adjacent houses, but is not so large or bulky as to be out of scale or visually harmful. The same assessment would apply to the proposed rear extension to No 33.
7. At the back, however, the extension to No 35 has been squared off instead of hipped on the boundary to No 33, effectively creating a full height (ground level to roof ridge) wall on the shared boundary. This, as existing, is a crude feature which does not fit in well with the rest of the building. Although it is not visible in the street scene, it is visible from neighbouring properties and cannot be said to be good quality, sympathetic development. I recognise that building the proposed extension to No 33 would remedy this situation, but as above that cannot be relied on.
8. For this reason, I conclude that the proposal harms the character and appearance of the building and the local area. It conflicts in this respect with policies D1 and D4 of the London Plan (LP), policies 7.4 and 7B of the Council's Development Management Development Plan Document (DM) and the Framework, which aim to secure high quality design that is visually attractive and complements the local street sequence, building pattern, scale, materials and detailing.

Living conditions

9. This row of houses has been laid out with comparatively large gaps between the houses. The proposed extensions, although stretching the full width of the pair of semi-detached houses, would be set back from the side boundaries with Nos 31 and 37, so that the outlook from the rear windows of those properties would not be dominated or otherwise unreasonably infringed by the proposal. Nos 31 and 37 would retain largely open aspects to the rear.
10. Once again, however, the existing situation causes concern. No 35 has a ground floor living room window close to the shared boundary. The full height

wall of the extension at No 33 does loom over and dominate the outlook from that window, and from the adjacent area of rear garden, to an extent which is unduly oppressive. I note that this living room has a dual aspect, with a window to the front as well, but this is not sufficient to allay my concerns about the impact of the extension.

11. I conclude that the proposal unacceptably harms living conditions at No 35, due to a loss of outlook. It therefore also conflicts with LP policy D3, DM policy 7B and the Framework, which aim to ensure that developments achieve a high standard of amenity for users and for adjacent uses, including by delivering appropriate outlook. The Council also cites LP policies D1, D4 and D6, policies 1.1 and 1.2 of the Council's Development Strategy 2026 and DM policy 7.4 here, but I am not convinced that these more strategic and visual design oriented policies are directly relevant to this particular issue.

Other matters

12. Similar ground and first floor extensions to No 35 have been separately approved by the Council, but without raising the roof line as now proposed and as built. This approved schemes for extensions to No 35 could be implemented and thus forms a fall-back position. That smaller scale development, however, would not raise the same concerns about impacts on local character and neighbours' living conditions.

Conclusion

13. I find that the proposal conflicts with the development plan, taken as a whole. 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