
Appeal Decision

Site visit made on 13 March 2024

by D J Barnes MBA BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 April 2024

Appeal Ref: APP/A5270/D/23/3334681

16 Byron Road, Ealing, London W5 3LL

- 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 Christopher Fielding against the decision of the Council of the London Borough of Ealing.
 - The application Ref 233770HH, dated 18 September 2023, was refused by notice dated 20 November 2023.
 - The development proposed is the erection of a single storey rear extension (following demolition of existing).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The amendments of the National Planning Policy Framework (the Framework) were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.
3. The description of development stated on the appeal form has been adopted for reasons of clarity about the nature of the proposed development.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the host property and the surrounding area, and (b) the living conditions of the occupiers of 14 Byron Road.

Reasons

Character and Appearance

5. The appeal property is an extended 2 storey dwelling situated within a primarily residential area of similarly designed dwellings. To the rear of the property are existing single storey additions comprising both a substantially constructed extension and a conservatory.
 6. As a guide, the Council's *Ealing Housing Design Guidance* refers to rear extensions not exceeding 3.5 metres. However, the *Design Guidance* cannot address every situation. There is recognition that where the 3.5 metre distance is exceeded then there would need to be sound design justification to demonstrate how the massing of an extension is well resolved.
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7. In this case, the existing additions are material considerations in the determination of this appeal to which substantial weight is given because their scale and massing, together with the rear roof dormer extension, have materially altered the character and appearance of the property. To the rear of other near-by dwellings there are additions albeit not to the same depth as the current substantially constructed extension at the property.
8. The proposed development includes the demolition of the existing additions and their replacement by a single storey extension that would be a similar depth to the existing substantially constructed extension. Although the appeal scheme would possess a larger footprint than the existing additions and would be of a more substantial form of construction when compared to the conservatory, the siting, design, massing and depth of the proposed development would not materially alter the character and appearance of the host property. The character and appearance of the resulting property would remain an extended semi-detached dwelling rather than the proposed extension's scale and massing resulting in an incongruous addition to the property which would detract from the building pattern of the surrounding area.
9. On this issue, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area and, as such, it would not conflict with Policies 7B and 7.4 of Ealing's Development Management Development Plan Document (DPD) and Policy D4 of the London Plan (LP). Amongst other matters, these policies refer to the design of extensions to buildings meeting the identified design standards and developments being of a high quality of design complementing the scale and building pattern of the surrounding area. LP Policy D3 is about optimising site capacity rather than specifically being directed at extensions to dwellings.

Living Conditions

10. By reason of its siting and scale, part of the proposed extension's side elevation would project about 1.7 metres along the shared boundary with 14 Byron Road and then this wall would be set back circa 1.3 metres from the boundary (adopting the appellant's measurements). The appellant claims that this design would enable the appeal scheme to avoid encroaching into a 45° line drawn from the centre of the patio windows within the rear elevation of No. 14. Respecting the 45° line is referred to in the *Design Guidance*. From what was observed, this would be the case and, as such, there would not be a material reduction in sun and daylight reaching this opening.
11. Further, from the patio window the length of the proposed flank wall sited adjacent to the shared boundary and the stepped design of the appeal scheme would not materially alter the outlook from this opening and result in an overbearing form of development. Even when assessed together with the half width extension to the rear of No. 14, a tunnelling effect would not be created by the appeal scheme in the outlook from the patio window.
12. Within the rear addition to No. 14 there is, from what was observed during the site visit, a side window serving a small habitable room. The outlook from this sole opening is across a small patio area at the rear of No. 14 towards the shared boundary with the appeal property. This outlook is principally towards the boundary fence and then the side elevation of the appeal property's existing substantial extension whose flank wall is set back from the boundary.

13. By reason of the proposed flank wall partially being sited adjacent to the shared boundary, the outlook from this window would materially change. The proposed extension's side elevation would be materially taller than the existing fence and this, when combined with siting of this part of the flank wall, would cause unacceptable harm to the outlook of the occupiers of No. 14.
14. These same considerations apply to the appeal scheme's impact on the outlook from the patio area to the rear of No. 14 and adds to the harm which has been identified. In reaching this judgement it is acknowledged that there is a pergola style structure within the rear garden of No. 14 which might also be used by the occupiers to sit outside albeit under a covered area. However, current or future occupiers of No. 14 may wish to sit on the patio because it is not under cover.
15. By reason of visual intrusion and being an overbearing form of development, the height and siting of part of the proposed extension's side elevation would cause unacceptable harm to the living conditions of the occupiers of No. 14. The remainder of the proposed extension's flank wall would be set back from the boundary and would have a neutral effect on the outlook of the neighbouring occupier of No. 14 from the side window. However, even when combined with the side extension not materially affecting levels of sun/day light and the outlook from the patio window, these matters would still be demonstrably outweighed by the unacceptable harm which has been identified.
16. Accordingly, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 14 Byron Road and, as such, it would conflict with DPD Policy 7B which requires development to achieve a high standard of amenity for adjacent uses. DPD Policy 7A is concerned with emissions and sensitive development rather than the effects of domestic extensions on neighbouring occupiers. LP Policies D3 and D6 concern optimising site capacity and the design standards for housing schemes rather than domestic extensions.

Conclusion

17. Although the proposed development would not cause unacceptable harm to the character and appearance of the host property and the surrounding area, this matter is demonstrably outweighed by the unacceptable harm which would be caused to the living conditions of the occupiers of 14 Byron Road. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR