



Appeal Decision

Site visit made on 20 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2024

Appeal Ref: APP/A5270/D/24/3342828

67 Briar Crescent, Northolt, Ealing UB5 4ND

- 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 Dritan Hera against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234994HH.
 - The development is described as 'retrospective approval of a double storey side extension, a loft conversion, ground floor extension and creation of a porch'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Having regard to the Council's delegated decision report, I understand that the 'pre-existing' plans depict approved scheme Ref 216751HH, whilst the 'existing' plans depict the development that has been constructed, other than that there is a narrow balcony, rather than a Juliet balcony, serving the master bedroom, and there is a canopy beyond the ground floor rear extension. Having regard to the description of the proposed works on the application form and the details in the appellant's statement, I have dealt with the appeal on the basis of the retention of the existing development.
3. I have taken appellant's name from the application form, rather than the differing spellings in the appeal form and the Personal Statement.

Main Issues

4. The main issues are the effect of the development on:
 - the character and appearance of the host property and the area; and
 - the living conditions of adjacent occupiers, with particular regard to the outlook from 65 Briar Crescent ('No 65'), and any potential for overlooking from the scheme's balcony.

Reasons

Character and appearance

5. The host property ('No 67') comprises one half of a semi-detached pair, which sits amongst other two storey, semi-detached and terraced properties of a broadly similar form and style. The side extension as built, is clearly

subordinate to the host, faced in matching materials, and respects the form of the original property. The Council raises no objection to that part of the scheme, or to the porch and the hip to gable extension. Given their scale, form and appearance they do not harm the streetscene, and having regard to the character of the host property and the area, neither do I.

6. To the rear, the scheme includes a large second floor roof extension, which covers the whole of No 67's original roof from the party wall with No 65, and from its eaves to the ridge. It also projects across part of the extended roof, including that section with a raised ridge. It therefore has a considerable scale and bulk. Moreover, its rear face is a continuation of the host's principal rear wall and it is faced in matching white render.
7. As a result, it does not appear subordinate to the host, and viewed from the rear the resultant building has a tall three storey form, which is markedly at odds with its attached neighbour. The projecting balcony with patio doors also serves to draw the eye. The resultant property has a very top-heavy bulk.
8. Although some nearby properties have been significantly extended, where they have dormers, these are generally set in from the eaves, and they are faced in hanging tiles which distinguishes them from the original buildings' main walls. Unlike here, they therefore achieve a degree of subordinacy, and the original building's two storey form is clearly legible.
9. For the above reasons, the rear roof extension is wholly at odds with the character and appearance of the original property, it unbalances this semi-detached pair, and it is an over-dominant and incongruous feature when viewed from the gardens and rear elevations of surrounding properties.
10. The development includes a single storey rear extension with a canopy beyond. However, I observed the latter's retractable roof and, other than support poles, it is open to the sides and the rear. Consequently, having regard to cumulative impacts, it is not a bulky or prominent addition and it does not add significantly to the quantum of development on the site.
11. Nevertheless, for the above reasons, the development conflicts with London Plan 2021 ('LP') Policies D1, D3 and D4, and Ealing Development Management Development Plan Document 2013 ('EDMP') Policies 7B and 7.4. Amongst other things, whilst seeking to define an area's capacity for growth, these require good, coherent design, which responds to local character and complements development in the area, having regard to matters such as scale and materials. It also conflicts with the similar stance on high quality design in Policy DAA of the emerging Ealing Regulation 19 Local Plan ('ELPR19').

Living conditions

12. No 65 has a single storey rear extension whose depth is broadly similar to the single storey extension at No 67. Whilst the canopy at No 67 projects further to the rear, it has a retractable roof, open-sides, and it slopes slightly downwards. Consequently, viewed from No 67's nearby patio doors and adjacent garden area, only a small part of it is visible above the boundary wall and, having regard to cumulative impacts, it does not have a harmful overbearing or enclosing impact on those occupiers.
13. The second floor balcony has a limited depth, such that it could not be comfortably used as a seating area. Views from within the bedroom it serves

are principally at a high level and across the host's own garden, rather down into neighbouring gardens. A degree of overlooking is commonplace in urban areas, and in this local context, I am not persuaded that the impact on privacy from this balcony is markedly different from other nearby first and second floor windows.

14. Consequently, the development does not conflict with those parts of LP Policies D3 and D6, or EDMP Policy 7B, which require high quality design that delivers appropriate outlook, privacy and amenity. Neither does it conflict with the similar approach in ELPR19 Policy DAA. LP Policy D1 which addresses character and capacity for growth; EDMP Policy 7.4 which addresses local character, and EDMP Policy 7A which refers to operational emissions, are of little, or no, relevance on this issue.
15. The Council has not directed me to any particular part of the Ealing Design Guidance 2022, but for the above reasons, on this issue, the scheme does not conflict with its advice that modifications to existing buildings should not negatively impact the privacy and amenity of neighbouring occupiers.

Other matters

16. I have considered Mr and Mrs Hera's circumstances as described in their Personal Statement, including their desire to purchase a property which would enable the family to grow, and a family member to live with them to provide care and support; with the latter being of particular importance to them given a recent medical diagnosis. I also note that the appellant has had to incur the costs of professional advice in pursuing this appeal.
17. However, whilst I have considered the family's personal circumstances, I have little or no evidence that this development, with this particular design, is the only way in which their needs could be met.

Conclusion

18. I have found that whilst the development does not harmfully impact adjacent occupiers' living conditions, it has caused significant harm to the character and appearance of the host property and the area. The appellant's personal circumstances do not outweigh the lasting and significant harm that it has caused.
19. The proposal conflicts with the development plan when considered as a whole and, having regard to all other matters raised, the appeal is therefore dismissed.

Chris Couper

INSPECTOR