

Appeal Decision

Site visit made on 9 October 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 October 2024

Appeal Ref: APP/A5270/D/24/3348772

9 Laughton Road, Northolt UB5 5LL

- 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 Amin Pirzada against the decision of the Council of the London Borough of Ealing.
 - The application is Ref. 241627HH.
 - The development proposed is a single storey rear extension with associated internal alterations; installation of two windows to side elevation; front porch extension following demolition of existing front porch.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey rear extension with associated internal alterations; installation of two windows to side elevation; front porch extension following demolition of the existing front porch at 9 Laughton Road, Northolt UB5 5LL in accordance with the terms of the application, Ref. 241627HH, dated 26 April 2024 and subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are (i) the effect of the proposed rear extension on the character and appearance of the host building and its surroundings and (ii) the effect on the living conditions for the occupiers of No. 11 as regards outlook and light.

Reasons

3. The Council's concern on both main issues relates only to the flat roofed rear extension which would project from the existing wraparound extension. This is the proposed new addition. As regards the first issue, I can to some extent identify with the Council's view that the extension now proposed, when combined with the already built side and rear extensions, would harm the appearance of No. 9 the host building. The grounds of appeal refer to the length of the new addition as being 6m, whereas the Officer's report refers to 7.4m and this appears to be supported by the internal dimensions on the submitted plan plus the thickness of the rear wall.
 4. With that said, the original design identity of No. 9 and the pair with No. 11 has already been affected by the combined full-length side and full width rear flat roofed extensions at No. 9 and the full width rear extension at No. 11. Moreover, of particular significance is that the length of the appeal scheme
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extension would be the same as the extension to No. 7 which extends tight to the boundary with No. 9. And with the combination of that length and a height of about 3m, this building significantly affects the amenity of the rear garden of No. 9.

5. When these circumstances are taken into account, together with the fact that with its back garden location and boundary enclosures there would be no meaningful aspect from the public realm including Lime Tree Park to the rear, I do not consider that the development would result in a '*harming of the character and appearance of the locality*' as alleged In the Notice of Refusal.
6. On the second issue, the Council's concern is that the extension would be over-dominating in the outlook from No. 11 and adversely affect the daylight and sunlight enjoyed by the occupiers. However, with the flat roof at a height of 3m positioned about 2m away from an existing fence which already effectively precludes all ground floor rear window and garden views from No. 11 to No. 9, there would be no reasonable perception of undue enclosure or dominance.
7. In respect of light, I am satisfied that given the above circumstances there would be no effect on daylight for the occupiers of No. 11. As regards sunlight, the orientation of the site is such that only on summer evenings would this be relevant. And in this regard, with the extension being no higher than the existing building at No. 7 combined with the aforementioned 2m gap and boundary fence, there would be a minimal if any increase in shadowing.
8. I have also taken into account that there was no objection to the proposal from the occupiers of No. 11. Although not in itself a deciding factor, this is normally a reasonable guide as to the extent of any effect of alterations and additions on the living conditions for neighbours.
9. On balance, I consider that in respect of the first issue there would be no harmful conflict with Policy 7.4 of the Ealing Development Management DPD 2013 ('the DPD') & Policy D4 of the London Plan 2021 and as regards the second issue no conflict with DPD Policy 7B including Policy 5.10 of the Ealing Variation; Policies 1.1(e)(i) & 3.8 of the Ealing Core Strategy 2012; and Policies D3 & D4 of the London Plan.
10. I shall therefore allow the appeal subject to conditions in the attached Schedule. These are required respectively of Nos. 2), 3), & 4) & 5) together for the avoidance of doubt and in the interests of proper planning; to preserve visual amenity, and to safeguard the living conditions for the occupiers of No. 11.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. Series LIVARCH/9LR: Plan Nos. 101 Rev. A; 102 Rev. A; 103 Rev. A; 104 Rev. A; 105 Rev. A; 106 Rev. A; 107 Rev. A; 108;
- 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building;
- 4) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any subsequent amendment, revision or new Order) no windows or other openings (other than those shown on the approved plans) shall be formed on the walls or roof of the hereby permitted extension;
- 5) No part of the roof of the hereby approved extension shall be used as or altered to form a balcony, roof garden, roof terrace or similar amenity area.

