



Appeal Decision

Site visit made on 9 June 2025

by C Housden BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2025

Appeal Ref: APP/A5270/W/24/3356477

24 St Andrews Road, Acton, Ealing W3 7NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Khaji against the decision of the Council of the London Borough of Ealing.
 - The application ref is 243747FUL.
 - The development proposed is construction of a 2 bedroom residential dwelling, along with associated parking, landscaping, cycle and refuse storage on a side land adjacent of 24 St Andrews Road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development differs between the application form and decision notice of the Council. As the appellant has adopted the wording of the decision notice in their appeal documentation, I have used this wording to describe the development in the banner heading.

Main Issues

3. The main issues most relevant to this appeal are:
 - The effect of the proposal on the living conditions of the occupiers of 28 Brassie Avenue with particular regard to sunlight, daylight, and outlook; and
 - The effect of the proposal on highway and pedestrian safety, with particular regard to the access and parking arrangements.

Reasons

Living conditions

4. The development would introduce a two-storey building situated in close proximity to the boundary with 28 Brassie Avenue (No 28) and directly opposite a first-floor window on this neighbouring property. Currently this window has uninterrupted outlook, which would be severely diminished through the introduction of a two-storey building as a result of the appeal scheme. This would have an oppressive and enclosing effect on the occupiers of No 28, which would be significantly harmful to their living conditions.
5. The proposed plans have applied a 45-degree line from the first-floor window of No 28 towards the proposed development, to demonstrate the effect on the daylight and sunlight received by the property as a result of the appeal proposal. However, having regard to the BRE Guide basic tests, for assessing windows opposite a

development a 25-degree line should be used. It appears highly unlikely the development would pass the 25-degree test.

6. In any case, the proposal would introduce a highly obstructive massing by virtue of its height and proximity to the first-floor window of No 28 which would significantly restrict both the daylight and sunlight received by the window. This would result in significant harm to the living conditions of the occupiers of No 28.
7. In relation to the garden of No 28, the gap between the buildings of 24 St Andrews Road (No 24) and No 28 provides welcome outlook and sunlight for users of the garden. The introduction of the appeal proposal would substantially reduce this gap by introducing the two-storey development within it. This would have an oppressive and enclosing effect on users of the garden which would be harmful to their outlook. It also would block sunlight which would result in harmful overshadowing to users of the garden.
8. The proposal would result in significant harm to the living conditions of the occupiers of No 28 and therefore would conflict with Policies D3 and D6 of the London Plan (2021) (LP) and Policy 7B of the Ealing Development Management Development Plan Document (2013). These policies, amongst other matters, seek to ensure development is of an appropriate form that achieves a high standard of living conditions for adjacent uses including ensuring that they have sufficient outlook and access to daylight and sunlight.

Highway and pedestrian safety

9. The proposal would be accessed from Brassie Avenue, which is a one-way road with traffic flowing towards the crossroad junction with St Andrews Road. The proposed access is situated in very close proximity to this junction.
10. The proposal would require vehicles to cross over the public footway which runs outside the site. Given the design of the parking forecourt, a vehicle could not turn around within the site and a future occupier would have to either reverse into or reverse out of the parking area.
11. Reversing out of the site would mean that drivers would have a severely hindered field of vision. This would pose a risk of a collision with both pedestrians and other vehicles. If a future occupier was to reverse into the site, this would also pose similar risks to both pedestrians and other vehicles, along with the impediment of the free flow of traffic along Brassie Avenue whilst the reversing manoeuvre was being undertaken. This risk would be particularly pertinent given the location of the proposed access at the junction of Brassie Avenue and St Andrews Road where pedestrians and road users would be navigating this crossroad.
12. The appellant has suggested that visibility splays could be conditioned to overcome this issue. However, the evidence before me shows that the proposed boundary wall would be at a height which could impede the sightline of a driver, as potentially would the width of a nearby street tree as it matures. I have insufficient information before me to give me certainty a condition securing adequate visibility splays would be enforceable or reasonable, in line with the tests set out in paragraph 57 of the National Planning Policy Framework.
13. In any case, visibility splays relate to the manoeuvring of vehicles in forward gear which would not apply to all manoeuvres out of the site. Even if adequate splays

could be provided, there would be a proportion of movements where vehicles would reverse into and out of the site and still pose a risk to pedestrians and other vehicles.

14. The parking arrangement of properties along Brassie Avenue do include some short driveways where vehicles would be required to undertake one manoeuvre in reverse gear either into or out of the respective driveways. I also note specifically that this is the arrangement of the adjacent property at No 28. However, these driveways are situated further away from the crossroad junction than the access proposed by the appeal scheme and therefore are not directly comparable in terms of the risk they pose or justify the proposed access and parking arrangement.
15. I therefore find that the proposed development would result in an unacceptable impact on highway and pedestrian safety and would conflict with Policy T4 of the LP. This Policy, amongst other matters, seeks to ensure that development proposals do not increase road danger.

Other Matters

16. The development would provide an additional dwelling, which would contribute to the supply of housing within the borough. However, given the small scale of the proposal, this at most attracts moderate weight in favour of the development.
17. The appellant refers to positive pre-application discussions with Officers at the Council. However, pre-application discussions are informal and not binding on any future decision the Council may make once a proposal has been subject to the formal planning process.
18. The appellant has also expressed dissatisfaction that the Council did not respond to their requests to make amendments to the scheme. However, this is not a matter that I can consider under a Section 78 planning appeal.
19. I note that no objections have been received from neighbours. However, the lack of objections does not equate to a lack of harm.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

C Housden

INSPECTOR