

Appeal Decision

Site visit made on 9 September 2016

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 September 2016

Appeal Ref: APP/A5270/D/16/3150221

1 Derwent Road, Ealing, Southall, UB1 2UJ

- 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 Zoheb Chaudhry against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2016/0250, dated 18 January 2016, was refused by notice dated 14 March 2016.
 - The development proposed is a retrospective application for existing veranda.
-

Costs

1. An application for costs was made by Mr Zoheb Chaudhry against the Council of the London Borough of Ealing. This application is the subject of a separate decision.

Decision

2. The appeal is dismissed.

Procedural Matters

3. The development the subject of this appeal has already taken place.
4. The appeal property has been the subject of several recent applications and permitted developments. There is an ongoing enforcement matter that commenced on 4 December 2012¹ and according to the Council, involves "the following breaches of planning control: the unauthorised construction of a single storey rear extension including rear canopy addition..."

Main Issues

5. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of neighbouring occupiers, with regards to odours and noise and disturbance.

¹ Ref: COM/2012/00857.

Reasons

Character and appearance

6. The appeal property is a two storey semi-detached dwelling located within a residential area. The property has been extended to the front, side and rear. The surrounding area is characterised by two storey semi-detached and terraced houses set back from the street behind small gardens and/or parking areas and with larger gardens to the rear.
7. The presence of gardens, together with wide pavements and street trees makes for a pleasant residential environment. During my site visit, I observed that many houses in the area have been altered and/or extended and that generally, such changes tend to appear sympathetic to host properties and are largely in keeping with the surrounding area.
8. The development the subject of this appeal is a large single storey rear canopy extension, constructed to the rear of an extension (that is also the subject of the enforcement action noted above). Despite the presence of some quality features, including wooden rails and flooring, the open design, timber structure and the corrugated polycarbonate roofing sheets used to construct the canopy combine afford it a relatively poor quality appearance to the extent that the construction has, to my eyes, a temporary rather than permanent appearance. As such, it fails to relate to the host property or to the character and appearance of surrounding properties, which are constructed of materials of a more permanent appearance.
9. During my site visit, I observed that the canopy is widely visible from surrounding properties, appearing as an incongruous and inappropriate form of development that detracts from local character. Consequently, I find that the development harms the character and appearance of the area. This is contrary to the National Planning Policy Framework, to London Plan (2015) policies 7.4 and 7.6 and to Ealing Development Management Development Plan Document (2013) policies 7.4 and 7B, which together amongst other things, protect local character.
10. In support of his case, the appellant provides a list of nearby properties where "the same structure" has been built. During my site visit, I observed a number of these from the appeal property. I noted that none of them appeared to make any positive contribution to local character. Notwithstanding this, I have found that the appearance of the development harms local character and this is not a factor outweighed by the presence of other developments elsewhere.

Living conditions

11. Whilst there is a free standing cooker and oven within the development, the appellant states that the canopy area is only used for family events and barbeques. There is no evidence before me to demonstrate that this is not the case. Further, there is nothing before me to demonstrate that any harm arises from the development by reason of noise and disturbance or odours.
12. Consequently, I find that the proposal does not harm living conditions and is not contrary to the National Planning Policy Framework, London Plan policies 3.5, 7.6 and 7.15, Ealing Development Management Development

Management Plan Document (2013) policies 3.5, 7A and 7B, Supplementary Planning Document 4 Residential Extensions, or Supplementary Planning Guidance 10 Noise and Vibration, which together amongst other things, protect residential amenity.

13. However, the absence of harm in this regard is not the same thing as a factor in favour of the proposal. I have found significant harm to local character and this has led to the conclusion below.

Conclusion

14. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR