
Appeal Decision

Site visit made on 12 December 2016

by D. M. Young BSc (Hons) MA MRTPI MIHE

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

Decision date: 22 December 2016

Appeal Ref: APP/A5270/W/16/3153917

3 Cloister Road, Acton, London W3 0DE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr J Fernandez against the decision of the Council of the London Borough of Ealing.
 - The application Ref PP/2015/6440/ET/ATA is dated 23 November 2015.
 - The development proposed is the retention of an outbuilding in the rear garden area.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of an outbuilding in the rear garden at 3 Cloister Road, Acton, London W3 0DE in accordance with the terms of the application, PP/2015/6440/ET/ATA, dated 23 November 2015 , subject to the following conditions:
 - 1) The internal layout shown on the revised plan no. FERNANDEZ/PLAN/001 shall be implemented within 3 months of the date of this permission. For the avoidance of doubt this plan was submitted to the Council on the 07/03/16 and shows a single room with no internal partitions.
 - 2) The outbuilding hereby permitted shall only be used for purposes incidental to the enjoyment of the dwelling and not for any separate residential, industrial, commercial or business use.

Preliminary Matters

2. The appeal is made under against a failure to give notice within the prescribed period of a decision on an application for planning permission. The Council have submitted a draft Delegated Report with the Appeal Questionnaire which states it has no objection to the scheme and would have granted conditional planning permission had it been in a position to do so. I have taken the application reference from Delegated Report which differs from the version provided in the appellant's Grounds of Appeal.
3. The outbuilding has already been constructed albeit the internal layout still reflects its previous use as a dwelling. Insofar as the outbuilding is concerned, a s174 appeal¹ was dismissed in August 2016 and the Enforcement Notice requiring the cessation of its use as a dwelling and its subsequent removal upheld. A s195 appeal² in relation to a certificate of lawful use for an outbuilding of similar dimensions to the existing structure was considered at

¹ APP/A5270/C/15/3135793

² APP/A5270/X/16/3144256

the same time and also dismissed. Whilst I have had regard to these decisions, I have assessed the scheme before me purely on its merits and in light of the particular circumstances which apply in this case.

Main Issue

4. This is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal property is a two storey, semi-detached property located on the northern side of Cloister Road. The surrounding area is residential in nature and part of planned estate development. It is characterised by traditional semi-detached and terrace properties arranged along straight, parallel streets. Although there is some variation in house design and facing materials, the area retains a broadly homogenous character with groups of buildings of similar scale and a generally common relationship with the street. However, whilst not unattractive, the area is not particularly notable or sensitive in architectural or streetscape terms.
6. The proposal seeks retrospective permission for the single-storey outbuilding that has been erected to the rear of the host dwelling. The internal alterations include the removal of the internal partitions, bathroom, kitchen and rear door. The proposed layout would comprise a single room which according to the appellant would be used as a home office and storage purposes in connection with No 3.
7. As I saw when I visited the site, the outbuilding although reasonably large in comparison to the modest rear garden, has been constructed to a high standard. It is positioned towards the end of the rear garden and backs onto an under-used service road. Its diminutive height coupled with blank side walls does not give rise to any amenity issues for neighbouring occupiers. The outbuilding's front elevation contains a door and a window and faces back towards the main residential building. That elevation is constructed of bricks which loosely match those used on the main building.
8. Bearing in mind the context of the site within a built-up London suburb where large outbuildings are not uncommon, I find nothing untoward about the positioning or design of the development. I accept it would be larger than those outbuildings in the immediate vicinity. However, that does not make it unacceptable particularly when the building is concealed from public vantages. Although the size of the rear garden is much diminished, an adequate amount of outdoor amenity space has been retained.
9. Taking all these considerations in the round and bearing in mind the Council has not alleged that any harm arises from the building, I conclude that the development would not cause unacceptable harm to the character and appearance of the area. There are no other factors which would justify withholding planning permission.

Conditions

10. The Council has suggested 4 planning conditions which I have considered against the advice in the Planning Practice Guidance. As the outbuilding is already in situ a standard time limit condition is unnecessary, I have however imposed a condition which combines the requirements of the Council's

conditions 2 and 3. This is necessary to remove the unauthorised use of the building as a dwelling. To provide certainty and to protect the living conditions of neighbouring occupiers I have imposed a condition to ensure the building is only used for purposes incidental to the enjoyment of No 3.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should succeed.

D. M. Young

Inspector