
Appeal Decision

Site visit made on 21 February 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 10th March 2017

Appeal Ref: APP/A5270/D/17/3166772

61 Pleasant Way, Wembley, Middlesex, HA0 1DQ

- 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 and Mrs Jude Maraes against the decision of the Council of the London Borough of Ealing.
 - The application Ref 164345HH, dated 5 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is single storey detached garden outbuilding for domestic use.
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Decision

1. The appeal is allowed and planning permission is granted for single storey detached garden outbuilding for domestic use at 61 Pleasant Way, Wembley, Middlesex, HA0 1DQ in accordance with the terms of application Ref 164345HH, dated 5 August 2016, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: *Location Plan*; and *Proposed Plan and Elevations*, Ref 61/100/A, dated 28 July 2016.
 - 4) The development hereby permitted shall only be used for domestic purposes incidental to the enjoyment of the dwelling and not for any other use (including for any separate residential use, industrial, commercial or business use).

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal property and the surrounding area.

Reasons

3. The Appellants' property comprises a semi-detached house with a long back garden, which is typical of the pattern of development in the area. The proposed outbuilding would be located towards the back of the garden, where

it broadens out in a triangular shape. Although it would be concealed from the streetscene, it would be visible from some neighbouring properties.

4. The Council considers that the proposed outbuilding, with a footprint of about 60% of the original (now extended) house, would not be subordinate to it, on account of its footprint, scale and bulk. Although it would be larger than many outbuildings in suburban locations, the explanation given by the Appellants is that the additional space is needed for their three children who have complicated medical needs (Global Joint Hypermobility condition) and require daily intensive physiotherapy. This is not challenged by the Council and it is an important consideration in this appeal, which is supported in the core principles in paragraph 17 [4] of *the Framework*¹ which underlines the importance of securing satisfactory living, and paragraph 17 [12] which stresses the importance of health matters.
5. Despite the large footprint of the proposed outbuilding, the remaining rear amenity space would be sufficient to provide an ample garden for the occupiers of the property. I also consider that the outlook from neighbouring properties would not be adversely affected.
6. The proposal is well designed. Its relatively low roof profile would ensure it appears as a subordinate element to the main house. The proposed structure would also be set away from all the site boundaries, apart from the 'pinch point' between the structure and the north-west site boundary, which borders a wooded area.
7. Taking account of these considerations, I conclude that the proposal would not harm the character and appearance of the existing house or the surrounding area, which already includes a number of outhouses. As such it would not be contrary to the design principles in section 7 of *the Framework*; it would also be in line with policies 7.4 (local character) and 7.6 (architecture) of the London Plan and policies 7.4 (local character) and 7B (design amenity) of the Ealing Development Management Development Plan Document.
8. In addition to the standard conditions, the Council has suggested a condition (4) to limit the use of the proposed development to domestic purposes, to ensure that its use does not, by reason of any other activity, harm the living conditions in the area. I agree that this is a necessary condition to be imposed for the reason stated by the Council. Condition (2) is to safeguard the character and appearance of the area.
9. In conclusion, I find that the proposal would not harm the character and appearance of the house or the pattern of development in the area, and would not be contrary to national policy or the development plan. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be allowed.

Mike Fox

INSPECTOR

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.