
Appeal Decisions

Site visit made on 13 March 2017

by B M Campbell BA(Hons) MRTPI

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

Decision date: 13 April 2017

Appeal A: APP/A5270/C/16/3164064

20 Verulam Road, Greenford, Middlesex UB6 9RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jasvinder Juttla against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice was issued on 24 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a separate single storey dwelling to the rear of the premises.
 - The requirements of the notice are to:
 - a) Demolish in its entirety the single storey self-contained residential dwelling;
 - b) Remove the dividing fence; and
 - c) Remove all resultant debris.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
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Appeal B: APP/A5270/C/16/3164067

18 Verulam Road, Greenford, Middlesex UB6 9RH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Jasvinder Juttla against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice was issued on 24 October 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a separate single storey dwelling to the rear of the premises.
 - The requirements of the notice are to:
 - a) Demolish in its entirety the single storey self-contained residential dwelling;
 - b) Remove all associated fencing; and
 - c) Remove all resultant debris.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
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Formal Decisions

Appeal A: APP/A5270/C/16/3164064

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B: APP/A5270/C/16/3164067

2. The appeal is dismissed and the enforcement notice is upheld.

Preliminary matters

3. The Appellant initially submitted both appeals bringing ground (d) only. However, when asked for clarification in relation to the arguments being made, he confirmed by e mail dated 1 February 2017 that he wished both appeals to proceed on ground (b) only.
4. The Appellant arrived very late at the site visit and had not brought the right keys with him. Before the situation was eventually resolved satisfactorily, the representative for the Council had to leave as he had another appointment to go to. Before leaving, however, he confirmed that the Council would have no objection to the remainder of the visit being carried out in the company of the Appellant only.

The Appeals on ground (b)

5. The ground of appeal is that the matters alleged have not occurred. In an appeal on this ground the onus is on the Appellant to make out his case on the balance of probability.
6. The appeals premises comprise a pair of semi-detached single storey outbuildings at the end of the rear gardens of Nos.18 and 20 Verulam Road. The rear gardens of Nos.18 and 20 have been subdivided so that each outbuilding has its own fenced curtilage. The building at the rear of No.18 has a main living area with kitchen and a separate bedroom and toilet/shower room and was vacant at the time of my inspection. The building at the rear of No.20 similarly has a main living area with kitchen and a separate toilet/shower room but has two bedrooms which at the time of my inspection contained a total of 4 beds. From the personal belongings evident throughout, that building gave every indication of being currently lived in.
7. Access to the two rear outbuildings is available from Verulam Road via a pedestrian passage running to the side of No.20. To reach the building to the rear of No.18, however, it is necessary to cross the curtilage of the building to the rear of No.20 and use the gate in the dividing fence between the two. Each outbuilding contains all the necessary facilities for day to day living and has its own private fenced outdoor area.
8. The Appellant has submitted the same argument in support of each appeal: that is that the property always had an outbuilding where as a builder he used to store his materials and that included a toilet and sink. He has refurbished and renovated the outbuilding to create a habitable annex for the tenants in the main house for recreational use.
9. No evidence has been submitted to demonstrate that the outbuildings were pre-existing. Indeed aerial photographs from 2013 and 2015 provided by the Council shows no outbuilding at the end of the rear garden of No.18, although there may have been one towards the centre of that garden. Whilst the photograph appears to show a structure at the end of the garden at No.20, there is nothing to indicate that that is the building that now exists. Given that the Appellant says he renovated and refurbished an existing building at both properties and the photographs show none at the end of No.18, I do not find his evidence reliable.
10. At my visit I saw a pair of semi-detached outbuildings which, to all intents and purposes, appeared of recent construction. They were clad in shiny white upvc

sheeting, had new windows and doors, a flat felt roof and were equipped with new fittings internally. The building at No.18 has to have been recently constructed given the absence of a building in the 2015 photograph and I saw nothing to distinguish the one at No.20 to suggest that it predated that at No.18. The Council's description of walls with 125mm of insulation between a ply interior and an exterior clad with plastic tongue and groove accords with what I saw.

11. The Council says the outbuildings were occupied as two dwellings when visited on 30 June 2016 and on 25 August 2016. No evidence to demonstrate that this was not the case has been submitted. At my visit I concluded that the outbuilding at No.20 was being lived in as a dwellinghouse and that the outbuilding at No.18, although vacant was fully equipped for use as a dwellinghouse and even accommodated a double bed.
12. The fact that both outbuildings could be accessed from the corresponding host building by way of gates in the garden fences does not lead to a conclusion that they were intended for ancillary recreational use. The physical layout of each and the current occupation of one quite clearly indicate otherwise.
13. The Appellant has failed to make out his case in relation to either of the appeals. I conclude that the construction of a single storey dwellinghouse to the rear of both No.18 and No.20 Verulam Road has occurred as a matter of fact. The appeals on ground (b) fail.

B M Campbell

Inspector