
Appeal Decision

Site visit made on 24 July 2017

by A U Ghafoor BSc (Hons) MA MRTPI

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

Decision date: 4 August 2017

Appeal Ref: APP/A5270/C/16/3161453

58 Fraser Road, Perivale, Middlesex UB6 7AL

- 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 Pankaj Shah against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The enforcement notice, numbered EN160787OD(1), was issued on 21 September 2016.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a wooden gazebo structure to the rear of the property.
 - The requirements of the notice are to: (1) Remove the wooden gazebo structure in its entirety and (2) 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) (a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a wooden gazebo structure on land at 58 Fraser Road, Perivale, Middlesex UB6 7AL referred to in the notice.

Reasons

2. The main issue to consider is the effect of the development upon the character and appearance of the host dwelling and that of the locality and, linked to that, effect upon the living conditions of neighbours, having particular regard to outlook.
3. The site is located within a mainly residential area. The street scene is characterised by rows of terraced dwellings located within moderately sized gardens. Domestic scale outbuildings and structures are a common feature of the area. No. 58 is an end of terrace property. The host property has been extended, there is an outbuilding and a pitched roof gazebo has been erected in the rear garden. The gazebo is made of timber and plastic roof covering. I consider that, because of its design, it successfully integrates with the external appearance of the host building. While gazebos of this size are not a particular feature of the settlement pattern, in my assessment its bulk, mass and siting has no adverse visual impact.
4. Much is made of the rear garden's moderate size and the perceive impact of the development upon amenity space. The garden is about 117 square metres.

When existing extensions to the dwelling and an outbuilding is taken into account the area reduces to 52 sqm. The gazebo takes up about 31 sqm. The inference drawn is that the latter represents over-development; I disagree. The gazebo is an open-sided structure and provides a covered private amenity area. I am quite satisfied that the development, cumulatively, does not reduce the amount of useable amenity space at no. 58.

5. I am cognisant of the concern that the gazebo is noticeable from a side alleyway and adjoining properties. Nonetheless, its overall height and scale does not have an intrusive or over-bearing effect. Given its siting I am satisfied that the gazebo does not adversely affect outlook from adjoining dwellings.
6. The materials used in its construction of the gazebo do not adversely affect the external appearance of the host building. I am content there is no need to impose conditions.
7. For all of the above reasons, on the main issue, I find that the development does not have a materially harmful effect upon: (1) the character and appearance of the host building and that of the locality and, (2) neighbours' living conditions. Accordingly, I reject the Council's submissions and find that the development complies with policies 7.4 and 7B of Ealing's adopted Development Management Development Plan (2013), and policies 7.4 and 7.6 of the London Plan (2015).
8. Having regard to all other matters, I conclude that the appeal should succeed on ground (a) and planning permission is granted.

A U Ghafoor

Inspector