
Appeal Decision

Site visit made on 10 January 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 JANUARY 2022

Appeal Ref: APP/A5270/D/21/3281618

48 Kent Avenue, West Ealing W13 8BH

- 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 S Gill against the decision of the Council of the London Borough of Ealing.
 - The application Ref 213499HH, dated 6 May 2021, was refused by notice dated 1 July 2021.
 - The development proposed is a detached ancillary outbuilding/pool house and bar with plant/storage.
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Decision

1. The appeal is allowed and planning permission is granted for a detached ancillary outbuilding/pool house and bar with plant/storage at 48 Kent Avenue, West Ealing W13 8BH, in accordance with the terms of the application Ref. 213499HH, dated 6 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
19_061_S00, 19_061_P0, 19_061_P, 19_061_P2 & 19_061_FP3
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) 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.

Main Issues

2. The main issues in this case are the effect of the proposed outbuilding on the character and appearance of the host dwelling and its surroundings, along with its effect on the living conditions of nearby residents.
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Reasons

3. The appeal relates to a semi-detached property which has a long rear garden. It sits within a row of similar properties and the rear gardens back on to public open space.
4. The proposal seeks to introduce an outbuilding to the back end of the garden of the appeal property which would accommodate a pool house and bar with a storage area and plant room.
5. The outbuilding would span the full width of the garden, sitting against the side and rear boundaries. It would be about 7 metres deep and some 3 metres tall. It would sit at the far end of a deep garden and plenty of useable amenity space would remain. Whilst the building would be taller than the existing boundary fencing, it would be screened from the public open space to the rear by mature landscaping whilst planting would also partially screen it from the rear sections of the garden areas of the neighbouring dwellings. Although substantial in size, the design of the outbuilding is suitably domestic and given the generous depth of the garden and the separation distance involved, it would not appear out scale or out of context with the host dwelling or its surroundings.
6. Material to the determination of this appeal is the fact that a Certificate of Lawful Development has been granted for an outbuilding with the same footprint as the proposal before me, but 2.5 metres rather than 3 metres tall (Ref. 213520CPL). To my mind, the 500mm or so additional height of the proposed outbuilding would not have a materially more dominant effect and would not lead to a harmful reduction in the levels of natural light available at the bottom of the deep rear gardens of the neighbouring properties.
7. I note that concerns have also been raised about noise, privacy, light spillage and impact on local ecology. However, I see no reason why the effect of the appeal proposal in such terms would be any greater than the effect of the outbuilding which could be built without planning permission.
8. In light of the above factors, I conclude that the proposed outbuilding would not harm the character and appearance of the host dwelling or the surrounding area and it would not have an unacceptably harmful effect on the living conditions of nearby residents in any way. I therefore find no conflict with the overall aims of policies D3 and D4 of the London Plan and policies 7.4 and 7B of the Council's adopted Development Management Development Plan Document.
9. In addition to the standard conditions which limit the lifespan of the planning permission and direct that the development takes place in accordance with the approved plans, the Council has suggested two conditions in the event the appeal succeeds. I agree that the external finish of the outbuilding should match that of the host dwelling in order to ensure a visually acceptable development. I also agree that the use of the outbuilding should be limited to uses which are incidental to the enjoyment of the dwellinghouse, in order to safeguard appropriate levels of residential amenity for the occupiers of neighbouring dwellings.
10. In allowing the appeal, I shall impose these conditions.

David Fitzsimon INSPECTOR