
Appeal Decision

Site visit made on 11 April 2022

by David Fitzsimon MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/A5270/D/21/3288293

2A Browning Avenue, Hanwell W7 1EW

- The appeal is made under section 78A of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Efosa Egonmwan against the decision of the Council of the London Borough of Ealing.
 - The application Ref 213861HH, dated 19 May 2021, was refused by notice dated 30 September 2021.
 - The development undertaken is a 'garden summerhouse partitioned into sitting and shed space'.
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Decision

1. The appeal is allowed and planning permission is granted for a garden summerhouse partitioned into sitting and shed space at 2A Browning Avenue, Hanwell W7 1EW in accordance with the terms of the application, Ref 213861HH, dated 19 May 2021, subject to the following condition:
 - 1) The garden summerhouse hereby permitted shall be used for purposes incidental to the enjoyment of the main dwellinghouse at 2A Browning Avenue, Hanwell W7 1EW and for no other purpose.

Procedural Matter

2. The summerhouse was present at the time of my visit. This has no bearing on my decision which is based on the planning merits of the case.

Main Issues

3. The main issues in this case are whether the summerhouse amounts to an overdevelopment of the appeal property with regards to the size of the private amenity space remaining, along with its effect on the quality of the outlook for the occupiers of No. 2 Browning Avenue.

Reasons

4. The appeal dwelling is one of a pair of modern, semi detached dwellings which sit at the southern end of Browning Avenue. These dwellings have relatively shallow rear gardens which back on to Drayton Bridge Road.
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5. The appeal relates to detached timber clad summerhouse which has been introduced to the north-eastern corner of the rear garden of the appeal property, directly along the boundary shared with No. 2 Browning Avenue.
6. According to the submitted plans, the summerhouse measures 3 metres wide by 4 metres deep. It has a monopitch roof which measures 2.45 metres at its tallest point.
7. As explained, the summerhouse runs along part of the boundary shared with No. 2 Browning Avenue. However, it is set a reasonable distance from the rear elevation of this property and the roof sits only marginally above the trellis fence which defines the shared side boundary. Even accounting for the slightly lower ground level of No. 2, for these reasons, I am satisfied that the summerhouse is not unduly dominant. Given the height of the existing trellis fencing I am also satisfied that the summerhouse itself does not cast undue shadow over the rear garden of No. 2 Hanwell Avenue. I am mindful that the occupiers of this neighbouring dwelling have expressed concern about water running off the summerhouse into their garden. However, as it is set slightly off the boundary, any water from the roof should drip within the garden of the appeal property.
8. In terms of safeguarding residential amenity, I therefore find no conflict with policy D3 of the London Plan 2021 (LP) and policies 7.4 and 7B of the adopted Ealing Development Management Development Plan Document (EDMDPD).
9. The summerhouse has a floor area of some 12 square metres. The Council asserts that about 27 square metres of rear garden space remains, which is well below the 50 square metre standard outlined within policy 7D of the adopted EDMDDPD. Nevertheless, from my visit, I saw that the summerhouse sits neatly in the corner of the rear garden and a reasonably sized and useable private amenity space remains.
10. To this end, I am satisfied that the summerhouse does not appear over-sized and it does not amount to an over-development of the site. Accordingly, I find no conflict with the overall aims of Section 12 of the National Planning Policy Framework, policy D3 of the LP and policies 7.4, 7B of the EDMDDPD, which collectively promote high quality design that is appropriate to its context.

Overall Conclusions

11. I conclude that the summerhouse does not unacceptably reduce the size of the private amenity space of the appeal dwelling and it does not unduly harm the living conditions of the occupiers of No. 2 Browning Avenue. In such terms, I find no conflict with the overall aims of the policies and design guidance outlined above.

Conditions

12. The Council has suggested several conditions in the event the appeal succeeds. As the garden summerhouse is present and I consider it to be acceptable in all respects, conditions to limit the lifespan of the planning permission, to ensure that it is built in accordance with the approved plans and to control finishing materials are not required. I do agree, however, that a condition to ensure that the summerhouse is used for domestic purposes incidental to the appeal

property is necessary in order to prevent the creation of a separate unit of accommodation and to protect the living conditions of the occupiers of the neighbouring dwellings. That said, I see no reason why the condition should explicitly prohibit the installation of any cooking facilities.

13. In allowing the appeal, I shall impose this condition.

David Fitzsimon

INSPECTOR