



Appeal Decision

Site visit made on 20 June 2023

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2023

Appeal Ref: APP/A5270/W/22/3310898

88 Saxon Drive, Ealing, Acton W3 0NS

- 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 Total Properties UK Ltd (Maria Nefeli Ambatzis) against the decision of the Council of the London Borough of Ealing.
 - The application Ref 221912HH, dated 3 May 2022, was refused by notice dated 2 September 2022.
 - The development is a single storey detached garden outbuilding (following demolition of existing outbuilding).
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Decision

1. The appeal is allowed and planning permission is granted for a single storey detached garden outbuilding (following demolition of existing outbuilding) at 88 Saxon Drive, Ealing, Acton W3 0NS in accordance with the terms of the application, Ref 221912HH, dated 3 May 2022, subject to the following condition:
 - 1) The outbuilding hereby permitted shall not be used other than for purposes ancillary to the use of the dwelling known as 88 Saxon Drive, Ealing, Acton W3 0NS.

Preliminary Matters

2. I observed during my site visit that the existing outbuilding had been demolished and that the development appears to have been completed in accordance with the submitted plans. I have made my decision based on the plans before me as well as my observations on the site visit.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area.
 - Whether the outbuilding is ancillary to the main dwelling.

Reasons

Character and appearance

4. The appeal site is located in a residential area which predominantly comprises semi-detached dwellings constructed from red brick with red tile roofs. The host dwelling at No. 88 shares these features. Outbuildings of varying sizes are very common in this location to the rear of houses.

5. The outbuilding is quite large and is partially visible from the road. However, when viewed from this location, the relatively small rear garden, and the proximity of the outbuilding to the host dwelling, ensures that there is a clear visual connection between the two. Despite its size, the fact that the outbuilding is single storey means that it appears subservient to the much larger main dwelling and does not dominate or unduly draw the eye.
6. In addition, there are examples of other large outbuildings or annexes nearby and so the development does not appear incongruous or out of keeping. It has also been constructed using red brick and red roof tiles and is therefore sympathetic to the appearance of the host dwelling, and that of other dwellings nearby.
7. The development is therefore in conformity with Policies D3 and D4 of the London Plan, March 2021 (the London Plan), as well as Policies 7B and 7.4 of the Development Management Development Plan Document, adopted December 2013 (DM DPD). Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and respects character and appearance.

Whether the outbuilding is ancillary to the main dwelling

8. The outbuilding is reasonably large, and it is possible that it could provide sufficient space for independent living. However, the submitted plans show that, once the outbuilding is fully furnished and decorated, it is only intended to contain a sitting area, bedroom and bathroom. No kitchen facilities are shown on the plans, and on my site visit I observed that no such facilities were in the process of being fitted. Moreover, the outbuilding is located a very short distance from the main dwelling, within the existing garden, and utilises the same driveway and outside recreation space.
9. In combination, the above factors lead me to conclude that the outbuilding is ancillary to the main dwelling, rather than being a new independent dwelling in its own right. As a result, it is not necessary to consider whether the appeal site represents a suitable location for a new house. Given that the description of development does not refer to ancillary use, it is necessary for me to impose a suitably worded condition to require that the outbuilding is used as ancillary accommodation in perpetuity. Any proposal to use it as an independent dwelling would therefore require separate approval.
10. I conclude that the outbuilding is ancillary to the main dwelling, and as a result, there is no conflict with Policies D3 and D4 of the London Plan or Policies 7B and 7.4 of the DM DPD. Taken together, these policies require development, including new dwellings, to be well designed and respect character and appearance.

Other Matters

11. A group Tree Preservation Order is located to the rear of the outbuilding, alongside the railway line. However, the Council is satisfied that the development does not cause harm in this regard and there is no reason for me to disagree.

Conditions

12. The Council has not suggested any conditions for this appeal. However, given that the development is complete, it is not necessary for me to impose standard conditions to identify the relevant timescales and plans. I have set out why a condition to ensure that the outbuilding is ancillary to No. 88 is necessary.

Conclusion

13. The development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR