



Appeal Decision

Site visit made on 8 August 2023

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd August 2023

Appeal Ref: APP/A5270/D/23/3321695

211A Tentelow Lane, Southall, Ealing, UB2 4LP

- 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 Ahudja against the decision of Ealing Council.
 - The application Ref. 225204HH, dated the 10 December 2022, was refused by notice dated the 15 February 2023.
 - The application is for proposed outbuilding at rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on: (a) the character and appearance of the host property and surrounding area; and (b) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

3. The appeal site is located on the northern side of Tentelow Lane and comprises a modern three storey semi-detached property with parking to the front and a long narrow garden at the rear that backs onto the Grand Union Canal (Canal). The property was constructed as part of a pair of semis (with 211 Tentelow Lane (No.211)) following the grant of planning permission in 2014. The rear garden is largely laid to lawn with a small grey clad shed on the rearmost part of the garden. Beyond this is a low wall and steps that lead to another grassed area which I understand forms part of the embankment to the Canal.
4. The surrounding area, on the northern side of Tentelow Lane, comprises similar semi-detached and detached properties that vary in terms of their layout, style, design and age. The rear gardens to these properties also back onto the Canal.
5. Within this context, the appeal proposal involves the construction of a new outbuilding within the rear garden that would be used as a gym/play room with changing area and jacuzzi tub. The proposed building would be single storey with a flat roof constructed from a similar pallet of materials to the host property. It would be sited just beyond the half way mark of the rear garden against the common (side) boundary with 213 Tentelow Lane (No.213). Whilst the proposed building would be sited beyond the existing grey clad shed, it is

unclear whether the latter would be retained, albeit this appears to be the case as its not shown on the proposed block plan.

6. The common (side) boundary with No.213 is formed, where the proposed building would be sited, by a medium height brick wall. Although the new outbuilding would include a flat roof, its overall height would be some 2.5 metres, and it would, therefore, extend well above the height of the existing boundary wall from where it would be highly visible and prominent. As I confirmed above, the new building would be set well back from the rear garden boundary to the appeal site and side-on to the boundary with No.213. As such, the new building would extend along the common boundary for some 13 metres (its proposed depth), with a width of some 3.7 metres. The latter would leave a gap between the proposed building and the common boundary with No.211 to allow for access and as the Appellant contends, to provide views to the rearmost part of the host's garden.
7. The depth of the proposed outbuilding is, in my view, excessive and would introduce a large mass of building into part of the rear garden where you would not normally expect to see such development. Outbuildings are a common feature of rear gardens, but they are usually found on the rearmost part of the garden and the furthest point from the main property, so that the outbuilding is genuinely subservient to the host property, is less prominent visually to neighbours and does not effectively result in the garden being split into two. Compared to this, the proposed outbuilding would be sited in the most visually prominent location, physically dominating this part of the host's garden and neighbours gardens. This impact would be exacerbated by the fact that the garden to the host is narrower than some of its neighbours and also by the excessive depth of the new building along the common boundary with No.213.
8. Whilst a gap would be retained between the proposed building and the common boundary with No.211, the proposal would effectively cut off the rear part of the garden and result in an awkward relationship between the two. The combined height, width, depth and siting of the proposal would result in a development that would be out of keeping with the prevailing pattern and rhythm of built development in the rear gardens of the surrounding properties on this side of Tentelow Lane. Whilst I acknowledge that there are other outbuildings in the area and that these vary in terms of their scale, height and footprint, my attention has not been drawn to any other outbuilding sited in a similar location to that proposed or with such an excessive depth and presence on the common boundary with its neighbour.
9. The Appellants Grounds of Appeal refer to the planning permission granted for a new outbuilding within the garden of No.211. However, the approved plans show that this outbuilding would be located against the rear garden boundary to that site and adjacent to a similar outbuilding on the neighbouring property. The footprint, depth and extent of that proposed outbuilding also appears more proportional and subservient to the host property and its rear garden. In view of this, I can see no reason as to why in principle planning permission would not be forthcoming for a similar sized outbuilding, to that approved on No.211, on the rearmost part of the garden to the appeal site.
10. Accordingly, I find that the appeal proposal would result in an incongruous and unsympathetic form of development that would be harmful to the visual amenities of the host property and neighbouring occupiers, and the character

and appearance of the area contrary to policies D1, D3 and D4 of The London Plan (March 2021) (TLP), policies 7.4 and 7B of the Ealing Development Management DPD (December 2013) (EDMP) and paragraph 130 of the National Planning Policy Framework (July 2021) (Framework). These policies seek, amongst other requirements, to ensure that new development is of a high quality design, that it is visually attractive, is sympathetic to the surrounding built environment, that the building height, scale, massing, layout and siting of new development is acceptable and that it achieves a positive visual impact.

Living conditions - neighbours

11. As I confirmed above, the proposed outbuilding would extend along and above a large section of the common boundary to No.213. Consequently, it would be highly visible to the occupiers of that property and to other neighbouring occupiers, particularly from their rear gardens and rear windows. That impact would be accentuated by the fact that the proposal would be sited just beyond the half way mark of the rear garden to the host, and its neighbours.
12. With a height of some 2.5 metres the new outbuilding would tower above the common boundary wall to No.213, resulting in a development that would be visually dominant and overbearing to the living conditions of the occupiers of that property. The fact that the neighbours have not objected to the application does not affect my findings on this issue or outweigh the harm that would arise or the need to ensure that new development secures a high level of amenity for both existing and future occupiers.
13. As I observed on my site visit, the proposed building would also impact on the living conditions of the neighbouring occupiers at No.211, but to a lesser extent. As the proposed building would be set back from the common boundary to that property and the boundary is formed by a high timber fence, the impact on the living conditions of the occupiers of No.211 would be more modest and not sufficient, on its own, to justify the refusal of planning permission.
14. Accordingly, I find that the proposed development would result in significant harm to the living conditions of the neighbouring occupiers at No.213 and would thus be contrary to policy D3 of TLP, policy 7B of the EDMP and paragraph 130 f) of the Framework. These policies seek, amongst other requirements, to ensure that new development does not cause unacceptable harm to the living conditions of existing or future occupiers.

Conclusions

15. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR