



Appeal Decision

Site visit made on 14 November 2023

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th December 2023

APP/A5270/D/23/3327286

129 Burns Avenue, Southall, Ealing, UB1 2LU

- 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. Imran Zaheer against the decision of the Council of the London Borough of Ealing.
 - The application Ref 222537HH, dated 9 June 2022, was refused by notice dated 7 July 2023.
 - The development proposed is out building (retrospective) as a study hall/game room/gym & store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the time of my site visit, I saw that the development of the outbuilding extension was complete. I also note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the site and surrounding area; and,
 - the living conditions of occupiers of 127 Burns Avenue, with particular regard to outlook.

Reasons

Character and appearance

4. The appeal site relates to an end of terraced 2 storey house with a single storey pitched roofed outbuilding at the rear of the garden. The building is described as comprising a games room, store, gym and study hall, although at the time of my visit the study hall room contained a substantially completed kitchen. All houses surrounding the appeal site had outbuildings at the rear of their gardens and as such they form part of the character of the area.
5. According to the Council, most of the outbuilding was constructed over 20 years ago and thus is immune from enforcement action. The development that was refused, and is the subject of this appeal, is a 4.4m extension to it replacing a canopy of a similar depth. Most other outbuildings nearby are considerably

smaller and have flat roofs. The exception noted by the Council, and apparent during my visit, is the building at the rear of No 123 which along with the appeal building is conspicuous because of its depth, which is greater than the main house it serves and covers most of the property's rear garden.

6. The appeal site garden is longer than those on the neighbouring terrace and the amount of garden space retained is similar to that of surrounding houses and is enough to meet the needs of the occupants of the host property. However, replacing a flat roofed canopy with a pitched roof and solid walls has added bulk to the building and increased its footprint, which is substantially larger than that of the main house and of most other outbuildings. It also exceeds the height of other outbuildings and as a result is more visually intrusive. Overall, the scale of the development is excessive and out of character. The development therefore conflicts with Policies D3 and D4 of the London Plan 2021 and Policies 7.4 and 7B of Ealing's Development Management Development Plan Document (2013) (DMDPD) which require development to respond to local distinctiveness in terms of their scale, form and appearance.

Living conditions

7. The outlook from the rear of most properties in the area is affected by the proliferation of rear outbuildings. Nonetheless, prior to the extension, the outbuilding at the appeal site would have intruded on the outlook of occupants of No 127 to a greater degree than for most residents nearby because of its higher pitched roof and greater depth. The extension has resulted in a building which runs along the boundary of No 127 for more than half the length of its garden with solid walls over 2.5m high and an approximately 4m high roof ridge. As noted above, the extension has made the building more visually intrusive and because it forms the boundary with No 127's garden it dominates much of the outlook from it. Overall, I conclude that the further intrusion into the outlook from 127's rear windows and garden and the building's overbearing presence has harmed the living conditions of occupiers of No 127 to an unacceptable degree. The development therefore conflicts with Policy 7B of the DMDPD which requires development to achieve a high standard of amenity for adjacent users.

Other matters

8. I have had regard to other matters raised in representations including the effect of the development upon access to the rear of neighbouring properties, privacy, and the alleged use of the building for rental accommodation. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

9. For the reasons given above I conclude that the appeal should be dismissed.

P D Sedgwick

INSPECTOR