



Appeal Decision

Site visit made on 20 June 2024

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd July 2024

Appeal Ref: APP/A5270/D/24/3339639

Gowri, 5 Courthope Road, Greenford, Ealing UB6 8PZ

- 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 Varathan Thiagarasa against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 234687HH.
 - The development is a garden storage building.
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Decision

1. The appeal is allowed and planning permission is granted for a garden storage building at Gowri, 5 Courthope Road, Greenford, Ealing UB6 8PZ in accordance with the terms of the application, Ref 234687HH, as depicted on the location plan, and drawing numbers: 001 Rev A and 002 Rev A, and subject to the following condition:
 - 1) The garden storage building hereby permitted shall not be used other than for purposes incidental to the enjoyment of the host dwelling.

Procedural Matter

2. As noted in the description of works on the application form, the garden storage building has already been built. I have therefore dealt with the appeal on the basis of its retention.

Main Issue

3. The main issue is the effect of the development on the living conditions at 8 Oldfield Farm Gardens, with particular regard to outlook, and the availability of light.

Reasons

4. The outbuilding is located at the end of the host's long rear garden, and spans most of its width. Its rear face abuts the side boundary of 8 Oldfield Farm Gardens ('No 8'). No 8 has a single storey rear extension which, based on the appellant's calculation, finishes around 2.5 metres from the outbuilding, with a hedgerow along the boundary in between. The outbuilding can therefore be clearly seen from its rear facing glazing. However, those glazed areas are set in from the boundary, and the principal outlook from them is down that property's own garden, with the outbuilding off-set to one side.

5. Whilst the outbuilding is larger than many typical domestic garden structures, its rear face abuts only a relatively modest proportion of No 8's long side boundary, and its form, with a fairly low ridge and a shallow pitched roof, limits its scale and mass. Thus, whilst the apex of its roof is much taller than the nearby boundary fence, there is a less noticeable difference at eaves level, which includes that part of the outbuilding closest to the rear face of No 8. Consequently, I am satisfied that the outbuilding has not had a significant overbearing effect on those occupiers, or resulted in a harmful sense of enclosure.
6. Whilst the outbuilding lies broadly to the south of No 8, given its form and its scale, having regard to the sun's trajectory, and on the basis of the limited evidence before me, I am not persuaded that it has caused a significant loss of sunlight or daylight to those occupiers.
7. For these reasons, the development has not impacted the occupiers' living conditions at No 8 to a harmful degree.
8. In broad terms, Policies D3 and D4 of the London Plan 2021 ('LP'), and Policy 7B of the Ealing Development Management Development Plan Document 2013 ('EDMP') require good design, with proposals which deliver appropriate outlook and amenity, good daylight and sunlight, and appropriate levels of development. For the above reasons, the scheme does not conflict with that approach, nor with the National Planning Policy Framework 2023 ('Framework') stance on ensuring a high standard of amenity for existing and future users.
9. Neither does it conflict with the approach in the Council's SPD4 Residential Extensions, regarding the need for outbuildings to avoid an adverse effect on neighbours' living conditions. Finally, LP Policy D1 which requires boroughs to define an area's character and capacity for growth, and EDMP Policy 7.4 which addresses the impact of development on local character, are of limited, if any, relevance on this issue.
10. Turning to the matter of conditions, I have considered those suggested by the Council against the Framework's tests. Given that the development is already in place, neither the time limit for commencement, nor a condition regarding the use of matching materials are appropriate; and I have referred to the approved plans in my formal decision.
11. The development is described as a garden storage building. It contains a shower room, but I understand that the building's purpose is for the storage of household and garden items incidental to the enjoyment of the host dwelling, and not as primary living accommodation. I have assessed the scheme on that basis. Its use as an independent unit would require planning permission, but for the sake of clarity, and in the interests of protecting adjacent occupiers' living conditions, a condition is necessary, along the lines of that suggested, to restrict its use to purposes incidental to the enjoyment of the host dwelling.
12. Subject to that condition, the development has not had a harmfully detrimental impact on adjacent occupiers' living conditions. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR