



Appeal Decision

Site visit made on 22 November 2024

by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2024

Appeal Ref: APP/A5270/D/24/3353288

348 Church Road Northolt UB5 5AR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Narendara Thakrar against the decision of the London Borough of Ealing.
 - The application Ref is PP-13094376.
 - The development proposed is Single storey detached garden outbuilding for use as storage/ office, ancillary to main building (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for Single storey detached garden outbuilding for use as storage/ office, ancillary to main building at 348 Church Road, Northolt UB5 5AR in accordance with the terms of the application, Ref PP-13094376 and the plans submitted with it, subject to the following conditions:
 - 1) The building hereby permitted shall be retained as shown on the following drawings: 16-041-P1; 16-041-P4A; 16-041-P5A.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 348 Church Road Northolt UB5 5AR
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Class E of Part 1 of Schedule 2 to the Order shall be undertaken.

Preliminary Matter

2. The matter appealed seeks the retention of an existing building has been the subject of and Enforcement Notice (EN)¹. It is noted that the related appeal (the enforcement appeal) was not successful on the substantive issues and, further, that the Council indicate requirements in that regard may not have all been completed. The appellant has ceased the use of the building as an office and has since altered the building in a material respect and submitted amended drawings which are intended to more accurately reflect the works found on site at the date of my site visit. I do not consider the acceptance of this additional information, because it more accurately reflects what I found on site, is

¹ APP/A5270/C/18/3203661 - Appeal against enforcement notice No. EN180008CUOB - issued on 23.04.2018

prejudicial to the rights of any party, and it is on that basis that I have determined this appeal.

Main Issues

3. The main issue is the effect of the development on the character and appearance of the area and the host dwelling, and upon living conditions of occupiers of 350 Church Road.

Reasons

4. The appeal seeks permission to retain an outbuilding (the building) in a use ancillary to the host dwelling, 348 Church Road (No.348) which is a semi-detached two-storey dwelling within a row of similar dwellings fronting a busy main road. The building has been altered from its former condition by a 1m reduction in its length and by the removal of a linking roof and connecting wall by which it was attached to the rear of the host dwelling. The cumulative effect of the building added to the already-extended dwelling had resulted in an unbroken flat-roof profile of around 16.8m length² along the shared boundary from the main rear wall of the original house and described as 'significant back-land development' and an 'overdevelopment' of the rear garden.
5. Whilst the submissions of that time are not before me to consider, I have been provided with the decision of the EN appeal³ which points to the linking of the building to the immediate rear extension of No.348 as 'exacerbate(ing)' the perception of the overall development being obtrusive and visually discordant'. My observations are that the subsequent minor changes which have the effect of separating the building from the main body of the house and reducing its length have made a physically small but materially significant difference to the circumstances to be considered. Whilst these changes are not visible from the street, the result of the alterations to what was originally constructed is that the building appears as an individual building of around 6.8m in depth⁴ when viewed from other locations.
6. The appellant has introduced a fallback argument which merits consideration. It is stated that if the appellant were to take steps in compliance with the EN an 'almost identical' outbuilding could be immediately erected under as development permitted under Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order (GPDO). I consider this to be a realistic prospect in the event that the EN requirements were to be implemented in full and therefore have regard to that as a potential consequence of this appeal being dismissed. Whilst a building of the same height as currently found in proximity to the boundary would conflict with the provisions set out in the GPDO at E1 (e)⁵ it is suggested that the extra height found is not material in this specific setting.
7. The height of the building at the shared boundary with No.350 is higher than that permitted under the GPDO and therefore more prominent than would be the case in the fallback position. However, there is little impact on the outlook from habitable rooms of No.350 due to intervening garage structure. Also, the part of

² According to the Council

³ APP/A5270/C/18/3203661 dated 1 April 2019

⁴ Calculated from the dimensions given in the Council's officer report.

⁵ which limits height to 2.5m within 2m of a boundary

that neighbouring garden directly affected by the building is not in close proximity to those parts which appear to be in frequent use. It is my conclusion that what has been built is unlikely to significantly impair the use of that amenity area or the living conditions of neighbouring occupiers. In any event it is likely that a replacement outbuilding or outbuildings permitted by the provisions of the GPDO such as suggested by the appellant would have an impact that might not be materially different.

8. Turning to the effect of the building on the host dwelling and the wider area, the building is not apparent in the street scene and the changes have had no impact in that respect, however the separation of the outbuilding from the host dwelling has created a visual separation such that the building is no longer perceived as an excessively and disproportionate extension to the host dwelling but as an ancillary structure within its rear amenity space.
9. Overall, although it is asserted that the building is not consistent with the development pattern of the surrounding area, my observations direct that there are a number of examples where single storey extensions or freestanding outbuildings project similarly into the gardens of nearby dwellings. Further, the pattern of development in the immediate locality does not, in my consideration, closely follow the conventional suburban layout or exhibit a strong or high-value visual character upon which previous observations seem to depend⁶. Whilst the building falls short of high quality design, it is also material that the grant of permission could remove, by condition, the potential for further outbuildings to be erected within the curtilage of No.348 and this tips the planning balance in favour of granting permission.
10. I therefore conclude the building does not conflict with Policy 7B of the Ealing Development Management DPD (2013) (Ealing DPD) which seeks high quality design and a high standard of amenity for users, nor with the development plan as a whole. Taking all matters raised into account I allow the appeal subject to conditions which, as my reasoning explains, prevent further change to what has been built or further outbuildings to be erected within the curtilage of No.348. A condition to prevent any independent use of the building is appropriate having regard to the EN but no timing condition is required as what is permitted has been completed.

Andrew Boughton

INSPECTOR

⁶ such as Nigel Close and Godfrey Avenue located to the north-east and south west of the group of dwellings within which the appeal site is located.