
Appeal Decision

Site visit made on 27 November 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2024

Appeal Ref: APP/A5270/W/24/3349652

19 Howard Close, Acton, Ealing, W3 0JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Dr Sherif Elwakil against the decision of the Council of the London Borough of Ealing.
 - The application Ref 241333HH was approved on 28 June 2024 and planning permission was granted subject to condition.
 - The development permitted is demolition of existing outbuilding; Retention of part single, part two storey side/rear extensions, Alteration of roof from hip to gable end; rear roof extension and installation of three roof lights to front roof slope and front porch extension.
 - The condition in dispute is No 1 which states that: The outbuilding shall be removed from the application site to the Council's satisfaction within six months of the grant of this application, otherwise the planning permission will lapse.
 - The reason given for the condition is: To comply with Section 91 of the Town & Country Planning Act 1990.
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Decision

1. The appeal is allowed and the planning permission Ref 241333HH for part single storey, part two storey side/rear extensions, loft conversion including rear dormer window and front rooflights, front porch extension and single storey outbuilding in rear garden (retrospective) at 19 Howard Close, Acton, Ealing, W3 0JY granted on 28 June 2024 by the Council of the London Borough of Ealing, is varied by deleting condition 1.

Background and Main Issue

2. The main issue is whether the condition is reasonable and necessary in order to make the development acceptable in planning terms.

Reasons

3. The appeal property is a two-storey semi-detached dwelling. It is located in a predominantly residential cul-de-sac of similarly designed dwellings. Many of the dwellings have been altered over time with the addition of extensions, replacement of front garden with parking and the alteration of hipped to roof to gable roofs. A number of dwellings have outbuildings to their rear, including No 18, adjacent to the appeal site. Dwellings are set back from the road behind gardens/drives and are largely bound by hedgerows. Some rear gardens have mature trees which are visible in glimpses between properties. This gives the area a pleasant verdant character.

4. Planning permission has been granted for alterations and extensions to the host dwelling, including single and two storey extensions, hip to gable alterations, construction of a porch and insertion of roof lights. It did not grant permission for the retention of the outbuilding and a planning condition was imposed requiring its demolition. Condition 1 required the removal of an outbuilding located in the rear garden of the appeal site.
5. The Council's main concern relates to the overall site coverage by built development, and the effect this would have on the character and appearance of the area. They have calculated the site coverage to be 56%, the removal of the outbuilding would reduce this to 35%.
6. The outbuilding is located in the corner of the garden, adjacent to the side and rear boundary of the appeal site. The rear garden area has been finished slabs and is bound by timber fencing. Adjoining the fencing on all three sides are tall mature hedgerows.
7. The outbuilding is single storey and is located in the corner of the garden, against the rear and side (northern) boundary. It is not visible from the surrounding area, being largely shielded from view from surrounding roads and gardens by the host dwelling, boundary fence and boundary hedgerows. Outbuildings are a common feature of the area, with many present in the rear gardens of dwellings on Howard Close and nearby roads. The presence of these outbuildings, combined with the small-scale nature of the development and that it is not visible from the surrounding means that the development would not have a harmful impact on the character and appearance of the area.
8. Whilst the removal of the outbuilding would increase the amount of rear garden area for the host dwelling, sufficient garden space for the host dwelling would remain.
9. In light of the above, condition 1 is therefore not necessary to make the development acceptable. The description of development includes the demolition of the outbuilding, which appears to have been included as a consequence of the Council amending it from what was originally applied for. Whilst the appellant did amend the proposal they did not agree to an amended description of development. To remove any inconsistency the wording of the original wording, as stated on the application form, will be used in my decision and I will not impose condition 1.
10. There is no justification for the disputed condition in terms of Policies 7.4 and 7B of the Ealing Development Management Development Plan Document (2013) and Policies D3, D4 and D6 of the London Plan (2021). Together these seek to ensure that developments have a high quality of architecture and complement the existing street sequence and building pattern. It would also comply with paragraph 135 of the Framework that seeks to ensure that developments are visually attractive and sympathetic to local character.

Conditions

11. This decision does not create a new and separate planning permission and it is therefore unnecessary to re-impose the other conditions attached to permission Ref 241333HH. In this regard, the original decision and this appeal decision should be read together.

Conclusion

12. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

Tamsin Law

INSPECTOR