



Appeal Decision

Site visit made on 26 November 2024

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/A5270/W/24/3348399

55 - 57 Bideford Avenue, Perivale, Ealing, United Kingdom, UB6 7PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Darbona Cafe & Restaurant against the Council of the London Borough of Ealing.
 - The application Ref is 241781FUL.
 - The development proposed is described as "retrospective application for the retention of a first-floor extension with partially matching external materials (bricks), inclusion of a retractable canopy, retention of the external staircase for fire exit."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal follows the failure of the Council to determine the application within the required timeframe. In their submissions they advise that they would have refused the planning application. The putative reasons for refusal relate to character and appearance and the use of the building.
3. The appellant has confirmed in their submission that the use would remain as café/restaurant. The Council advise that the use is unauthorised. I have had regard to the appeal¹ determined in 2021 that stated that there was no dispute between the Council or the appellant that the lawful use of the land is a café/restaurant. The Inspector concluded that to cease the use of the first floor as a restaurant would be excessive and limited the scope of their considerations to the then unauthorised mixed restaurant and shisha use. The Inspector went on to state that the lawful right to revert to a single primary use as a restaurant would remain.
4. The description of development only includes reference to the extension, and no permission has been requested for a change of use. In light of this, and the Inspectors previous comments, there would be no proposed change of use.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

¹ APP/A5270/C/20/3250853

Reasons

6. The appeal building is a two-storey detached building finished in red brick under a tiled hipped roof. The building has been extended a number of times with a large flat roof extension to the rear and an extension to the front.
7. The appeal site is located in a commercial area with a number of garages/MOT centre and hair dresser located nearby. To the south lies a railway line, the station is within walking distance of the appeal site. The area is characterised by a mix of uses and a variety of buildings, largely commercial in appearance, finished in metal cladding, painted brick and red brick.
8. The proposed first floor extension would have a retractable roof and would be finished with red brick walls and a large, glazed element. A balustrade would be located around the remaining perimeter of the first floor.
9. Whilst the proposed extension would be to the rear of the appeal building, it would be visible from the road and pavements along Bideford Avenue. The flat roof nature of the proposal, combined with its elevated nature, would appear as an incongruous feature in the street scene and in views from neighbouring buildings. The second-floor flat roof design of the proposal would also appear as an incongruous addition, at odds with the hipped roof of the host building. Whilst there are existing flat roof elements, these are at ground floor and are not visible in the wider street scene.
10. The external staircase is utilitarian in form and does not appear at odds with the building, particularly due to its industrial/commercial location. Whilst the staircase comes forward of the front elevation, due to the existing single storey front extension it does not appear dominant or prominent in the street scene.
11. In light of the above, the proposed development would have a harmful impact on the character and appearance of the host building and area. It would not comply with policies 7.4 of the Ealing Development Management Development Plan Document (2013) (DPD) which seeks, amongst other things, to ensure that developments that complement the street sequence, scale, and detailing.

Conclusion

12. For the reasons given above the appeal should be dismissed.

Tamsin Law

INSPECTOR