



Appeal Decision

Site visit made on 14 April 2025 by Kim Vo MPLAN

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2025

Appeal Ref: APP/A5270/D/24/3356284

130 Eastcote Avenue, Greenford, Ealing UB6 0NR

- 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. Ali Al-Mukhtar against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243392HH.
 - The development proposed is described as “demolishing the existing sport room (storage currently) and erecting annexe house at the rear side of the garden”.
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Decision

1. The appeal is allowed and planning permission is granted for development described as “demolishing the existing sport room (storage currently) and erecting annexe house at the rear side of the garden” at 130 Eastcote Avenue, Greenford, Ealing UB6 0NR in accordance with the terms of the application Ref 243392HH, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans, drawing references 289242; 20240511A001 – Rev A2; and 20240511A002 – Rev. A1.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as they are set out on the application form.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling known as 130 Eastcote Avenue, Greenford, Ealing UB6 0NR as shown on the plans hereby approved.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council has confirmed that drawing references 20240511A001 – Rev A2 and 20240511A002 – Rev. A1 are those which were considered during the planning application. I have taken into account the same.

4. The Council has referred to policies within Ealing's Draft Local Plan 2024 (EDLP), which has been submitted for examination. However, I am not aware of the exact stage the examination has reached, the extent of any unresolved objections to the relevant policies or whether these will be considered as consistent with the National Planning Policy Framework (the Framework). Consequently, and whilst I have taken these policies into account, I have considered the appeal under the adopted development plan at the time.

Main Issues

5. The main issues are a) whether the proposal would be ancillary to the host dwelling and its effect on the character and appearance of the area; and b) whether acceptable living conditions for the future occupiers of the proposal would be provided with specific regard to private outdoor and internal living space.

Reasons for the Recommendation

Ancillary Use & Character and Appearance

6. The appeal scheme involves the erection of a single-storey, detached annexe within the rear garden. It would feature one bedroom, a living room, a kitchenette, and a bathroom. It would have separate facilities enabling independent occupation. However, this does not imply that a self-contained residential unit would be created. Rather, it allows the occupants of the proposed annexe to retain a degree of privacy and autonomy. There is also nothing to suggest that a residential annexe could not have its own facilities. The appellant has clarified that the proposed development would accommodate their parents, so that care can be provided by the main household. It would also allow for future family expansion. As such, a familial relationship will exist between the occupiers.
7. The annexe would share the parking and garden areas, utility services, and postal address with the main dwelling. It would be significantly smaller in scale, with a limited size kitchenette and bathroom. Its placement nearby within the rear garden also establishes its close connection with the host property. As such, frequent interactions and comings and goings would occur between both buildings and the occupants. There is, therefore, a functional link between the proposed annexe and the main dwelling.
8. The annexe could be accessed separately via an external door from the side driveway. However, this access is not new and could be used at the present time to enter the rear garden. I also find no reason as to why occupants of the annexe would not share the main access to the host dwelling.
9. The Council has referred to Policy D6 of the London Plan 2021 (LP) and the Nationally Described Space Standard, noting the proposal would not provide sufficient living space if it were to be used as a dwelling. However, this further suggests that its use is for a residential annexe. The annexe would also be single aspect and face towards the rear of the host property, making it difficult to appropriately function as a separate dwelling in any event. Moreover, the development proposed is for an annexe. A new self-contained residential unit has not been applied for and is therefore not before me. Consequently, the appeal scheme would be capable of being occupied as an annexe and would not be a dwelling in its own right.

10. The surrounding area is characterised by several outbuildings of varying sizes situated close to rear garden boundaries. Although the proposal would have a large footprint, it would appear subservient given its single storey height and flat roof. It would complement the surrounding outbuildings due to its similar design and scale. Its positioning also responds to the existing garden layout, being located where the current outbuilding (to be demolished) is. Furthermore, it would not be visible from public vantage points due to its rear location. The use of an outbuilding for domestic residential purposes is also not unusual for residential areas. The Council raised no concern regarding the proposal's design and siting.
11. For these reasons, the proposed development would not harm the character and appearance of the area. Accordingly, it would not conflict with Policy D3 of the LP, Policy DAA of EDLP, the Ealing Design Guidance 2022 and the Framework. Together, and amongst other things, these seek to ensure developments are of high-quality design, which positively responds to local distinctiveness and character.

Living Conditions

12. The Council's second reason for refusal is predicated on the proposed annexe functioning as a dwelling. However, and as I have explained, the appeal scheme would not be tantamount to a new dwelling in its own right. It would share the same private outdoor space as the main dwelling, which would remain of a sufficient and usable size, similar to the surrounding gardens. Whilst the internal layout would be of limited dimensions, the bedroom would be large enough for two occupants. It also offers facilities that are expected for independent living, with the design being fit for its ancillary residential purpose.
13. The proposed annexe would thus provide acceptable living conditions for its future occupiers. Accordingly, it would not conflict with Policy D3 of the LP or the Framework. Together, and amongst other things, these seek to ensure developments provide a high standard of amenity for existing and future users, through achieving indoor and outdoor environments that are comfortable.

Other Matters

14. Policies D1 and D6 of the LP; G5 of EDLP; 3.5 and 7D of the Development Management Development Plan Document 2013 and the London Plan Guidance – Housing Design Standards 2023 have all been referred to in the reasons for refusal. However, they are not applicable as the proposal is for a residential annexe and not new housing. The policies mentioned above are sufficient to make a decision against the development plan on the main issues.
15. The proposal is for a residential annexe within a residential area. As such, levels of noise would be similar to that of the main dwelling. Therefore, the provision of sound proofing would not be necessary. The proposed annexe would also be situated within the limits of the appeal site. Any issues relating to boundaries would be a private, civil matter.

Conditions

16. To provide certainty and for enforcement purposes, it is necessary to impose the standard time limit and specify the approved plans. A condition is also necessary to ensure the materials accord with the details submitted in the application form, to

maintain the character and appearance of the area. However, I have amended the wording from that proposed by the Council, as no material details are shown on the plans. Due to the lack of sufficient preciseness in the description of development, a condition is necessary to secure the ancillary status of the building.

17. The Council has suggested additional conditions to be imposed, and I have assessed these against the six tests contained in paragraph 57 of the Framework. I have not set out a condition to restrict the annexe's roof to be used as or altered to be a balcony, roof garden, roof terrace or similar amenity area. This is likely to require planning permission in its own right. The plans do not indicate that such a development is proposed in any case and so this condition would not be necessary or reasonable. As set out above, the proposal is for a residential annexe. Therefore, the suggested condition to prevent a change of use from a dwelling to a House in Multiple Occupation within Class C4 would not be necessary or sufficiently relevant to the proposed development.

Conclusion and Recommendation

18. For the reasons given above, I recommend that the appeal should be allowed given it would comply with the development plan and there is nothing compelling to suggest a decision other than in accordance therewith.

Kim Vo

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed, and planning permission granted, subject to the above mentioned conditions.

John Morrison

INSPECTOR