



Appeal Decision

Site visit made on 4 June 2025

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/A5270/W/25/3360629

440 Ground Floor Shop, Lady Margaret Road, Southall, Ealing UB1 2NN

- 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 M Syed against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 243767FUL.
 - The development proposed is single storey rear extension to commercial unit to provide office and storage space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address on the Application Form refers to “Ground Floor Shop”, whereas the address on the Appeal Form refers to “Ground Floor Flat”. The address on the Application Form is a more accurate reflection of the appeal site. Therefore, I have duplicated this in the banner above.
3. The Council has indicated that an Enforcement Notice has been served in relation to the existing structure to the rear of the appeal property. My decision is without prejudice to any ongoing action, and I do not conclude on the lawfulness, or otherwise, of the existing structure.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) the living conditions of occupants of 442 Lady Margaret Road (No 442), with particular regard to the loss of sunlight and daylight.

Reasons

Character and appearance

5. The appeal property is located at one end of a row of commercial units. The ground floor of the appeal property is a hot food takeaway/restaurant with a flat above. This appears similar to other properties within the row of commercial units. To the rear is a service road and a parking area, which allows the properties to be serviced away from the main road. The service area borders the long rear gardens of properties on Cressage Close, which accommodate several large outbuildings, and a row of garages which are located behind properties on Hillside Road.

6. The character of the wider area is of a local commercial centre within a suburban area. The area to the rear of the appeal property is utilitarian in appearance, due to the surrounding development and the servicing facilities.
7. The proposed single-storey extension would be to the rear of the property and would extend the full length and almost the full width of the appeal site. As it would be to the rear of the appeal property, it would be in an area which is utilitarian in appearance and largely screened from public views. Notwithstanding this, the proposed extension would be very large and result in a development that dominates the plot. Given the limited external circulation space around the proposed extension, it would appear cramped when viewed from the surrounding properties.
8. Whilst there are some large outbuildings in the area, they are not similar in scale, height or massing to the proposed extension. In addition, they are often set within large rear gardens. Consequently, the proposed extension would be an incongruous addition to the appeal property and would appear as an overdevelopment of the appeal site.
9. The appellant has indicated that other properties within the row of units have been extended up to the boundary. During my site visit, I did not observe any other units which have been extended to the full length of the plot within the same row of units. Accordingly, a precedent has not been set for the proposed extension.
10. The proposed development would see the removal of the existing structure. Nonetheless, even if the existing structure has been lawfully constructed, due to the size of the proposed extension, it would cause similar levels of harm. Therefore, the removal of the existing structure would not outweigh the harm cause by the proposed extension.
11. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. It would be contrary to policies D3 and D4 of The London Plan¹, 2021; and policies 7.4 and 7B of the Development Management, Development Plan Document, December 2013 (DM). These policies indicate that development proposals should enhance local context by delivering buildings that positively respond to local distinctiveness through their layout, and development in Ealing's existing built area should complement the building pattern and scale, amongst other matters. It would also be contrary to the guidance within the National Planning Policy Framework where it advises that planning decisions should ensure that developments will function well and add to the overall quality of the area.

Living conditions

12. The rear garden of No 442 extends further than the rear boundary of the appeal site, but it is narrow. The appeal property is located to the south of No 442. The proposed extension would be 3m tall and would be built up to the boundary. It would project almost the full length of No 442's rear garden. Due to the orientation and the height of the proposed extension, it would overshadow most of No 442's rear garden for long periods of the day.

¹ The London Plan, The Spatial Development Strategy for Greater London, March 2021

13. The construction of a rear extension to No 442 and the construction of an outbuilding within its garden has significantly reduced the amount of external amenity space available to its occupants. This space would be surrounded by tall development on three sides and a boundary treatment to the north. Consequently, this space would appear gloomy and enclosed, even during daytime hours.
14. I conclude that the proposed development would have a harmful effect on the living conditions of occupants of No 442, with particular regard to the loss of sunlight and daylight. The proposed development would be contrary to policies D4 and D6 of the London Plan, DM Policy 7B, and policies 1.1 and 3.8 of the Development Strategy 2026, Development Plan Document, April 2012. These policies indicate that new development must achieve a high standard of amenity for adjacent users and the design of development should provide sufficient daylight and sunlight to surrounding housing, amongst other matters.

Other Matters

15. I acknowledge that neighbouring occupants have not objected to the proposed development. Although this is a material consideration in favour of the proposal, it does not indicate that no harm would be caused by the proposed development.

Conclusion

16. The proposed development conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR