



Appeal Decision

Site visit made on 8 July 2025

by **Richard S Jones BA (Hons), BTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/A5270/C/24/3345697

4 Bispham Road, Park Royal, NW10 7HB

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ali Baker against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 15 May 2024.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a rear canopy extension and erection of fencing along the rear side boundary.
 - The requirements of the notice are to:
 - A. Remove the rear canopy extension;
 - B. Remove the fencing erected along the rear side boundary (the location of which is shown on the attached plan marked Y); and
 - C. Remove all resulting materials, debris and rubbish from the Land.OR
 - D. Remove the rear canopy extension;
 - E. Reduce the height of the fencing erected along the rear side boundary to no more than 2m from the adjoining ground level; and
 - F. Remove all resulting materials, debris and rubbish from the Land.
 - The period for compliance with the requirements is three months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (c) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

2. The appeal form ticks only grounds (a) and (g) but the appellant's case also raises issues which point to a ground (c) appeal. I therefore asked the appellant to confirm whether he wished to add that ground to his appeal. He confirmed that he did, and the parties were offered opportunity to make relevant submissions. I have considered those received in my reasoning below.

The Appeal on Ground (c)

3. To succeed on ground (c), the onus lies with the appellant to demonstrate that the matters alleged in the notice do not constitute a breach of planning control, on the balance of probabilities.
4. The appellant does not seek to argue that the canopy does not amount to development. Having regard to its size, degree of permanence and physical

attachment, it is likely that it does amount to development and that planning permission is required for it.

5. The appellant's position is that the property is in sole residential use and that permitted development rights apply so the structure could be considered lawful. The Council disputes that the property is in sole residential use but even if it is, the appellant does not explain what permitted development rights would grant planning permission for the canopy extension and fencing, despite the onus being on him to do so.
6. Subject to limitations and conditions, Article 3 and Schedule 2, Part 1, Class A of the GPDO¹ grant planning permission for the enlargement, improvement or other alteration of a dwellinghouse. The Council states that the canopy extends 7m beyond the rear wall of the original dwelling and no evidence is provided by the appellant which disputes that. It is very likely therefore that the canopy fails to meet the relevant size limitations of Class A, so does not benefit from that permitted development right.
7. Again, the appellant does not dispute that the fence was 2.5m high, thereby exceeding the size limitations of Class A of Part 2 of the GPDO, which provides permitted development rights for the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
8. It is not therefore shown that the development benefits from a grant of planning permission through permitted development rights.
9. The ground (c) appeal fails.

Main Issues

10. The main issues are the effect of the development on:

- the character and appearance of the area; and
- the living conditions of the occupiers of No 2 Bispham Road with particular regard to outlook and light.

Reasons

Character and appearance

11. The appeal property is a semi-detached house which has been extended at rear ground floor level. The roof of that extension appears to extend beyond its footprint, creating an overhang/canopy that wraps around the side and rear of the extension.
12. The appeal relates to a further canopy which extends beyond the roof structure of the extension, bridging the gap to a rear outbuilding, and running to the full width of the property. The canopy is raised above the height of the roof of the extension creating an unsightly, poorly executed and visually awkward gap between the two elements. Moreover, its rudimentary construction and makeshift appearance amounts to a very poor form of development that detracts from the appearance of the appeal site and the adjoining property, from which it is very clearly seen and

¹ Town and Country Planning (General Permitted Development) (England) Order 2015

experienced. The excessive height of the boundary fence relative to the modest depth of the garden adds to the degree of visual harm arising.

13. The appellant refers to what he says is a similar canopy approved by the Council at No 31 Federal Road, but just because a canopy is acceptable in one location does not make it so in another. Each case must be treated on its own merits.
14. In any event, the canopy referred to appears to be materially different in that it sits below the eaves of the extension to which it is attached, avoiding the poorly designed and unsightly gap created above the eaves in this case. Moreover, the appeal property includes an outbuilding and shed beyond the extent of the canopy. Combined with the raised side boundaries, there is a very significant and harmful degree of overdevelopment at the property.
15. I therefore find that the development results in unacceptable harm to the character and appearance of the area, contrary to DPD² Policies 7.4 and 7B and London Plan Policy D4. Those policies state, amongst other things, that development in existing built up areas should complement their materials and detailing.

Living conditions

16. The adjoining property at No 2 has not been extended at the rear so occupants are subjected to the full extent of the development on the boundary to their garden.
17. The appellant refers to the structure being open in nature, but the Council's photograph appears to show the fence running up to the underside of the canopy, thereby effectively creating a solid structure when viewed from No 2. Although at the time of my site visit there was a relatively small gap between the top of the fence and the canopy roof, the combined visual effect would be largely the same.
18. The Council's photograph also shows the increased height of the fencing running to the full length of the boundary. Combining that with the canopy and existing extension, the cumulative extent of development is very likely to result in an undue sense of confinement and enclosure to the relatively modest rear garden of No 2, thereby detracting from the enjoyment of that space and the outlook from the rear of the dwelling.
19. Given their southerly orientation, the fence and canopy are also likely to materially increase overshadowing and reduce the level of light entering the windows and rear garden of No 2.
20. The development therefore results in unacceptable harm to the living conditions of the neighbouring occupants, contrary to DPD Policy 7B and London Plan Policy D6. Those policies state, amongst other things, that new development must achieve a high standard of amenity for adjacent uses.

Other Matters

21. The appellant states that bike storage cannot be achieved elsewhere but it is not explained why the large shed or outbuilding cannot be used for those purposes, thereby avoiding the above explained harms.

² Development Management Development Plan Document Adopted 10 December 2013

Conclusion

22. For the reasons given above, I conclude that the appeal development is contrary to the development plan as a whole, and that material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan. The ground (a) appeal should not therefore succeed. I shall refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act.

The Appeal on Ground (g)

23. A ground (g) appeal is that the time given to comply with the notice is too short.
24. The appellant initially requests one month to comply with the notice, then in the next sentence requests three months. The latter requested period actually matches the compliance period already provided and strikes a reasonable and proportionate balance between any difficulties the appellant may encounter and the public interest in this case.
25. The ground (g) appeal fails.

Richard S Jones

INSPECTOR