



Appeal Decision

Site visit made on 25 June 2025

by **L Regan**

an Inspector appointed by the Secretary of State

Decision date: 29 August 2025

Appeal Ref: APP/A5270/W/25/3363922

3 Westend Gardens, Ealing, Northolt UB5 6QR

- 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 [outline] planning permission
 - The appeal is made by Mr Bernard Reifer against the Council of the London Borough of Ealing.
 - The application Ref is 243646FUL and is dated 26 September 2024.
 - The development proposed is the conversion of a single family dwellinghouse into two self-contained residential units; part single and part two storey rear extension; first floor side extension; rear roof extension; installation of three rooflights to front roof slope; and associated internal and external alterations
-

Decision

1. The appeal is allowed and planning permission is granted for conversion of a single family dwellinghouse into two self-contained residential units; part single and part two storey rear extension; first floor side extension; rear roof extension; installation of three rooflights to front roof slope; and associated internal and external alterations at 3 Westend Gardens, Ealing, Northolt UB5 6QR in accordance with the terms of the application, Ref 243646FUL, dated 26 September 2024 and subject to the conditions in the attached schedule.

Preliminary Matters

2. The appeal is made against the non-determination of the application within the statutory period. The Council has confirmed that had it made the decision the proposal would have been approved. It therefore does not wish to defend the appeal and has recommended planning conditions in the event of an approval.
3. I have taken the description of the development from the appeal form because I consider it more accurately describes the proposal.

Main Issue

4. In the light of the information confirming that the Council do not wish to contest the appeal, the main issue is whether there are other considerations that might indicate that the proposal would not be acceptable.

Reasons

5. The appeal proposal would not look out of place and would positively respond to existing building types, forms and proportions. Furthermore, it would be in keeping with the existing street sequence and would not harm the character or appearance of the local area. I have also taken into account that there were no objections from local residents.

6. Taking all these matters together, and my considerations following the site visit, I conclude that the appeal proposal in this location would comply with the development plan and there are no considerations that indicate otherwise. The development would be acceptable and, in particular, would not conflict with Policy D3 in the London Plan (2021) or Policies 7.4 and 7B in the Ealing Development Management Plan (2013).

Conditions

7. I have had regard to the conditions suggested by the Council and the advice in the Planning Practice Guidance. The statutory time limit is required and a condition specifying the approved plans is necessary in the interests of certainty.
8. I consider it necessary to attach a condition requiring external materials to match the appearance of the existing building. This is so that the building respects the character and appearance of the area. I also consider it necessary to attach conditions which secure adequate levels of cycle parking and private amenity space in the interests of reducing congestion and providing adequate amenity space respectively.
9. A condition has been suggested that would restrict permitted development rights which would allow conversion from a C3 to a C4 house of multiple occupation (HMO). I am not persuaded that this condition is necessary or reasonable on the basis that it does not follow that a conversion to a C4 HMO use would give rise to any harm to living conditions or the visual appearance of the appeal proposals. Furthermore, I consider that if such conversions are a wider issue for the area generally, then the Council would have the means to address any potential unacceptable harm under an Article 4 Direction.
10. I find that a condition to restrict the use of the roof of the extension as a balcony or amenity area is not necessary. The design of the dwelling and in particular the form of the first-floor windows means that the roof is unlikely to be used as a balcony. Furthermore, I note that permitted development rights for works to alter window and door openings do not include flats which would also discourage such use.
11. I do not consider the condition proposed by the Council regarding refuse and recycling to be sufficiently precise. I also consider that there is no justification given the amount of outside space which suggests that these requirements can be appropriately accommodated.
12. I also do not regard that a condition is necessary requiring an enhanced sound installation value. Such matters can be controlled by other legislation and there is nothing specific concerning this scheme which persuades me that the imposition of this condition is justified.
13. Finally, I note that it is not uncommon having lower fences between gardens to create a greater sense of openness and allow neighbours to socialise between their respective private outside spaces. Furthermore, permitted development rights do allow for the provision of higher fence lines if needed in the future. Therefore, I do not consider a condition requiring timber fencing between the private amenity areas of 1.7m high to be reasonable.

Conclusion

14. Having regard to the above, and taking all other matters into account, I conclude, subject to the specified conditions, that the appeal should be allowed.

L Regan

INSPECTOR

3 Westend Gardens, Ealing, Northolt UB5 6QR
Appeal Ref: APP/A5270/W/25/3363922

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years from the date of this permission.
- 2) The development hereby approved shall be carried out in accordance with drawing numbers:

L001 Rev F (Proposed Location Plan), P001 Rev G (Proposed Floor Plans), P002 Rev G (Proposed Floor Plans), P003 Rev G (Proposed Front and Rear Elevations), P004 Rev G (Proposed Side Elevations), P005 Rev G (Proposed Section AA)
- 3) All external materials to be used in the development shall match the appearance of those of the existing building.
- 4) The cycle storage areas shown on the approved plans to provide at least 4 cycle storage spaces shall be brought into use prior to the first occupation of the development permitted and retained for the lifetime of the development thereafter.
- 5) The private amenity areas shown on the approved plans shall be laid out prior to first occupation of any of the dwellings hereby permitted and retained for the lifetime of the development thereafter.

End of schedule