



Appeal Decision

Site visit made on 21 October 2025

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2025

Appeal Ref: APP/A5270/C/23/3331492

Land at and to the rear of 46 Lancaster Road, Southall UB1 1NW

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Usha Rani Nuri against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 4 September 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the enlargement of a single storey detached rear outbuilding and the erection of a secondary rear canopy extension.
 - The requirements of the notice are:
 1. Demolish single storey secondary rear extension, its location shown hatched on the attached plan.
 2. Remove the enlarged part of the single storey detached rear outbuilding, the location of the enlarged section shown cross-hatched on the attached plan.
 3. Restore the rear elevation of the outbuilding to its condition prior to the breach occurring.
 4. Remove all resultant debris.
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (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, and 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.

Appeal on ground (a), the deemed planning application

Main Issues

2. The main issues are the effect of the developments on:
 - the character and appearance of the area; and
 - the living conditions of neighbouring occupiers of Nos 44 and 48 Lancaster Road with particular regard to outlook.

Reasons

Character and appearance

3. The site relates to a two storey mid-terraced dwelling in a residential area characterised predominantly by other terraced two storey properties of similar size and style, many of which have been extended with rear extensions. The appeal property has been previously extended with a single storey rear extension with a mono-pitch roof and a detached outbuilding at the rearmost part of the back

garden. To the rear of the appeal property is an alleyway, which historically provided secondary access to the rear of these properties.

Canopy

4. The appeal property has been further extended with a canopy (the subject of this appeal) attached to the single storey rear extension. The Council's Supplementary Planning Document SPD4 Residential extensions (SPD) states that rear extensions should be subordinate to the original dwelling, and that a single-storey extension with a maximum depth of 3 metres and a maximum height of 3 metres will be acceptable, as long as the dwelling has not been extended in the past and is aligned with the neighbouring dwelling. The SPD also highlights the need to ensure that the design fits in with the original building with matching materials.
5. However, contrary to the above guidance the canopy when combined with the existing single storey rear extension extends the building considerably, and well beyond the 3m depth stated in the SPD. Furthermore, the extension comprises poor quality materials consisting of a timber post and frame and a polycarbonate roof and sides, which lacks any architectural merit. Therefore, despite the structure being made of relatively lightweight materials, the effect of the development diminishes unacceptably the character and appearance of the host building and the area generally.
6. The canopy extension is not widely visible within the wider public realm. However, its presence is clearly apparent and in close proximity of neighbouring residential properties. I appreciate that there are two existing canopy extensions at Nos. 48 and 50 Lancaster Road. However, the current unauthorised development extends beyond these neighbouring canopies, contrary to the SPD and results in a greater loss of openness of the rear garden. Therefore, I do not consider that the development on these neighbouring properties lends to support for the development before me.

Enlargement of the outbuilding

7. In relation to outbuildings, the Council's SPD states these will only be permitted where the outbuilding would be subordinate in scale to the existing dwelling and to the site. In assessing proposals for outbuildings, Ealing Council will take account of factors such as the scale, height, proximity to boundaries, design, materials and prominence in the streetscene. The SPD further states that outbuildings should not detract from the character of the area through overdominance or obtrusiveness.
8. Outbuildings are a common feature in this area, but they generally exist within their respective rear gardens and do not extend beyond their site boundaries. However, on this occasion the outbuilding has been extended well beyond the established rear boundary line of gardens on Lancaster Road and onto land within the alleyway to the rear of the site.
9. In this respect, the excessive overall size, and depth of the extended outbuilding results in an overly dominant and obtrusive feature, which significantly erodes the sense of openness and space between properties and gardens on Lancaster Road and Dane Road. Indeed, the overall depth, size, scale and of the outbuilding fails to harmonise with the character of the area in a sensitive and coherent way.

10. Whilst the appellant states that they have maintained ownership and control of this land for more than 40 years, little has been submitted to support this statement and therefore I cannot be certain that it does form part of the appellant's land. I accept that there is another outbuilding at 41 Dane Road which also extends beyond its original rear boundary line and onto the rear alleyway. Nevertheless, this development also erodes the sense of openness and space between gardens and properties on Lancaster Road and Dane Road and thus also harms the character and appearance of the area. As such, I am not convinced that this forms the basis for allowing further poorly designed developments.

Overall conclusion on character and appearance

11. I therefore conclude that the development harms the character and appearance of the host dwelling and area, in conflict with Policy D3 of the London Plan, 2021 (London Plan) and Policies 7.4 and 7B of the London Borough of Ealing Development Management Development Plan Document, 2013 (DMDP). In combination, these require that development proposals ensure a positive visual impact, as a result of good architecture and layout, enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.

Living conditions for the neighbouring occupiers of Nos 44 and 48 Lancaster Road - outlook

Canopy

12. The SPD advises that rear extensions should be designed so problems of dominant or overbearing appearance do not arise. Extensions that negatively affect the residential amenity of neighbouring properties in these ways will not be permitted.
13. However, contrary to the above guidance, the unauthorised additional canopy extensions results in a large expanse of the flank wall of the timber posts and polycarbonate sheets, built close to the boundary with No 44 Lancaster Road. As a result, the canopy appears as a dominant feature in the outlook from windows in the rear elevation of this property at ground floor level and from the garden itself. Furthermore, the canopy rises above the existing boundary treatment and therefore results in greater harm. In this respect the unauthorised canopy creates an increased sense of enclosure to neighbouring occupiers of No 44, which harms their living conditions.
14. In relation to No 48 Lancaster Road, given that this property has extended to the rear with its own rear extension including canopy, I find the unauthorised canopy does not result in any significant harm to the living conditions of the occupiers of this neighbouring property with regard to outlook.

Enlargement of the outbuilding

15. The further SPD advises that outbuildings should not cause a loss of light to neighbouring properties or adversely affect the living conditions of neighbours. Due to the location of the enlargement within the rear alleyway only, I am satisfied that the extension does not result in any demonstrable harm to the living conditions of neighbouring properties with regard to outlook.

16. I therefore conclude that the canopy fails to provide acceptable living conditions for occupiers of No 44 Lancaster Road with regard to outlook. Accordingly, the development is contrary to Policy D3 of the London Plan and Policy 7B of the DMDP. Amongst other things, these state that new development must achieve a high standard of amenity for adjacent users and should deliver appropriate outlook.

Conclusion on Ground (a) and the Deemed Planning Application

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning decisions to be made in accordance with the development plan unless material considerations indicate otherwise. The development harms the character and appearance of the host dwelling and area, and the living conditions of the neighbouring occupiers of No 44 with regard to outlook in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits of improved living accommodation outweighs the harms identified. Therefore, there are no material considerations that would lead me to a decision other than in accordance with the development plan in this case.
18. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (f)

19. The appeal on this ground is "that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters (i.e. the matters alleged in the notice) or, as the case may be, to remedy any injury to amenity which has been caused by any such breach".
20. The enforcement notice requires the demolition of the unauthorised developments, and as such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
21. The appellant confirms that should the appeal fail on ground (a) then they will "commit to removing the new area of extension and canopy built on site." As the notice does no more than seek remedy of the breach, it is not excessive. There are no lesser steps drawn to my attention or any obvious alternatives that would remedy the breach of planning control which is the purpose of the notice.
22. On this basis, the Ground (f) appeal fails.

The Appeal on Ground (g)

23. This ground of appeal is that the time given to comply with the notice is too short. The Council has given 6 months for the demolition of the unauthorised developments the restoration of the rear elevation of the outbuilding to its previous condition.
24. The appellant state that a period of 8 months would be more reasonable since modifying the outbuilding would involve complex structural works including removal and reinstatement of the roof which requires engineer's input. However, the 6 months given would appear to be sufficient time to appoint a structural engineer and then a contractor to carry out the remedial works, which is limited to the rear of the outbuilding only and the secondary canopy extension.

25. I therefore conclude that the time period given by the Council would be reasonable and proportionate time to comply with the notice and the appeal on ground (g) fails.

Conclusion

26. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R. Satheesan

INSPECTOR