



Appeal Decisions

Site visit made on 30 September 2025

by **Diane Lewis** BA(Hons) MCD MA LLM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2025

Appeals: Land at 3 Kings Avenue, Greenford UB6 9BZ

Appeal A Ref: APP/A5270/W/23/3328206

- 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 planning permission.
 - The appeal is made by Mr Harjeet Singh against the Council of the London Borough of Ealing.
 - The application, ref. 232275HH, is dated 7 June 2023.
 - The development proposed, as set out in the planning application form, is retrospective approval for the extension of an outbuilding.
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Appeal B Ref: APP/A5270/C/23/3328207

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Harjeet Singh, Willowcroft Property Limited, against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 19 July 2023.
 - The breach of planning control as alleged in the notice is: Without planning permission: The erection of a rear outbuilding used as a self-contained dwelling and storage.
 - The requirements of the notice are:
 - A. Cease the use of western part of the outbuilding as a self-contained dwelling;
 - B. Remove the kitchen and drainage connections from the western section of the outbuilding;
 - C. Remove the bathroom and drainage connections from the western section of the outbuilding;
 - D. Demolish the outbuilding; and
 - E. Remove all resulting debris, rubbish and materials 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)(f) and (g) of the Town and Country Planning Act 1990 (as amended).
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DECISIONS

Appeal A: Ref: APP/A5270/W/23/3328206

1. The appeal is dismissed and planning permission for the extension of an outbuilding is refused.

Appeal B: Ref: APP/A5270/C/23/3328207

2. The appeal is dismissed and the enforcement notice is upheld.

REASONS

Preliminary matter

3. In view of the length of time between the making of the appeals and the appeal site visit the appellant and the Council had the opportunity to update their original statements. I have taken all representations into account in making my decisions.

The Appeal Site

4. The site is at the eastern end of Kings Avenue in a suburban residential area. The principal building is a two storey detached property that has been extended at the back and according to the Council was in use as a large house in multiple occupation (HMO) when the appeals were made.

5. At the time of the appeal site visit there was a detached outbuilding in the back garden, sited close to the rear boundary. In the front elevation were two doorways, leading into separate spaces. The eastern part of the building was fully used for storage. An internal partition created a narrow passage way towards the front part of the building and a roller shutter door had been inserted into the front elevation. Further internal work and work to the roof and brickwork remained to be completed. The western part of the building was not occupied but appeared to have been used as a dwelling. Internal partitioning formed two rooms and bathroom, there were a number of electric sockets, a fridge and a boiler on the wall near the front door. There was little furniture apart from a table and chairs. In addition, the larger room contained an old treadmill and a bike and in the smaller room were some weights.

6. The appeal site has an extensive planning history. Three permissions are of particular relevance. On 13 September 2021 planning permission was granted for Conversion of the dwelling (C3 Use Class) into 11 person HMO (Use Class Sui Generis) and to reduce the depth of the existing 8m rear extension to 6m and reduce the footprint of the existing outbuilding (Part Retrospective) (ref. 214797FUL). Condition 1 required the reduction in size of the outbuilding to that shown on the approved plans to be carried out within 6 months of the date of the permission. Condition 8 required the outbuilding to be used for domestic purposes ancillary to the enjoyment of the main dwelling house and condition 9 precluded the installation of a kitchen in the outbuilding. The plan shows a building with a new footprint of 48m², comprising a gym, office and shower room.

7. On 23 March 2022 planning permission was granted for a single storey detached garage (ref. 220327FUL). There was the standard three year commencement condition. The plans show an internal floor area of 32m².

8. On 25 September 2024 planning permission was granted for Conversion of existing house from 11 person house in multiple occupation (use class sui generis) to single family dwellinghouse (use class C3). The plans do not show the outbuilding in the rear garden.

Appeal A

The proposal

9. The planning application form described the proposed works as “retrospective approval for the extension of an outbuilding.” The application plans, submitted with the appeal, show a proposed extension to an existing garage to provide a gym, with

shower and toilet. The total floor area of the new build is given as 40m², which would be in addition to the 25.15m² stated for the garage. The new space would be divided from the garage by an internal wall, have a separate door and 4 windows. The form stated work was started on 1 July 2020 and completed on 1 September 2020.

10. On the appeal form the description of the development is “single storey detached outbuilding for use as a gym.” The form states this description has not changed from that given on the application form. The appeal statement provides a similar description, where the proposed use of the outbuilding is a garage and a home gym. The dimensions of the outbuilding, 9.8m by 8m, are equivalent to the extended building as a whole.

11. The appellant confirmed in writing on 13 October 2025 that the description should be: *retrospective planning approval for the extension of the outbuilding*. The appellant has also confirmed permission is sought for what is shown on the submitted plans. I will proceed on this basis, given that the description and development are the same as originally stated and shown in the planning application.

Main issues and policy

12. The main issues are the effects of the development on (i) the character and appearance of the site and the surrounding area, and (ii) the living conditions of the occupiers of the principal residence and of neighbouring dwellings.

13. The relevant development plan policies are in the London Plan (LP) and Ealing's Development Management Development Plan Document (DM). LP Policy D3 is concerned with optimising site capacity through a design-led approach. LP Policy D6 addresses housing quality and standards. DM Policy 7.4 requires development to respect and strengthen local character. DM Policy 7B requires development to achieve a high standard of amenity for users and adjacent users. Policy 7D is relevant to provision of open space and private garden space.

14. A new local plan is under preparation. Policy DAA on design and amenity continues the design led approach to achieve a high quality environment.

Character and appearance

15. DM Policy 7.4 identifies specific factors relevant to Ealing's built areas. New development should complement their street sequence, building pattern, scale, materials and detailing. Kings Avenue forms part of a larger residential block where the buildings fronting the streets have good sized rear gardens forming green space behind. Kings Avenue has short terraces of houses along much of its length but towards the eastern end, near the appeal site, the spacing of buildings becomes slightly more spacious with semi-detached and detached houses. Number 3 is one of the detached houses, which is separated by a strip of open Thames Water land from flats and the commercial premises along the main Greenford Road. The street trees on Kings Avenue, the Cemetery to the north and the open space to the east also contribute to a more open and spacious environment.

16. Within this context, the extension very significantly increases the size of the outbuilding so that it occupies almost the full width of the plot. The plot widens out towards the rear and the submitted site plan well illustrates the disproportionate size of the extended outbuilding's footprint in comparison to the extended host dwelling. Even though the extended outbuilding is single storey the resultant size and the consequent

reduction in open garden space are out of keeping with the character of the residential property and the residential block. As to the elevational treatment, the outbuilding has walls faced with brickwork and a flat, felt covered roof. Detailing to doors and windows and to the eaves line is absent and the roof form is at odds with the more pleasing pitched roofs round about. The basic design is emphasised by the overlarge building size.

17. The outbuilding is easily visible from the street because of the open land to the eastern side. The building detracts from the appearance of the streetscene and local area by reason of its size, form and siting.

18. In conclusion, there is little evidence of a design-led approach and the development is contrary to LP Policy D3. The development does not respect local character and fails to comply with DM Policy 7.4.

Living conditions

19. The floor plan of the extension identifies the use as a gym with a toilet and shower room in the corner. The appellant has confirmed acceptance of a planning condition where the use of the outbuilding would be ancillary to the main building.

20. The National Design Code regards access to external private garden space as important to people's well-being. A consequence of the extension to the outbuilding is a significant reduction in outdoor amenity space for the occupants of the principal building, which has already been extended. The Council stated that the rear garden without the outbuilding would be around 170 square metres (sq m) and it would be reduced to around 50 sq m of usable space. The appellant has not disputed these figures or provided an appraisal of the adequacy of the reduced garden for the occupiers in terms of amount, function or quality. The updated statement does not explain whether the property remains in use as an HMO or is now a family dwelling, where play space for children may be required.

21. Consistent with LP Policy D6, the supporting text to DM Policy 7D sets out a minimum of 5 sq m per 1-2 person unit as an area requirement. Private garden space of 50 sq m for a house is considered typical, subject to satisfying a range of factors relating to the physical context, local character and neighbour amenity. Applying that baseline to the appeal site, the effect on the extension on the living conditions of residents is considered neutral.

22. The extension takes the building close to the boundary with the neighbouring garden to the west. As I noted on the site visit the building is at a significantly higher ground level compared to the neighbour's garden. The neighbour's outlook and privacy would be adversely affected, although not to a serious degree.

23. The extension also backs onto the neighbouring gardens of dwellings on Queen's Avenue. The photographs submitted in the representations highlight the substantial size and dominance of the extended outbuilding compared to the much smaller garden sheds in the neighbours' gardens. The windows in the rear elevation very close to the boundary overlook the gardens and cause light spillage. The outbuilding is raised up at a higher ground level, which reinforces the unneighbourly juxtaposition, bringing an undue sense of enclosure and at the least a perceived loss of privacy and light disturbance.

24. A positive visual impact is not achieved and the development fails to achieve a high standard of amenity for adjacent users. There is conflict with DM Policy 7B.

Other matters

25. I have considered the planning history, including the permission for one side of the outbuilding within the HMO consent (ref 214797FUL) and the planning permission for a garage (ref. 220327FUL). The permission for the garage was granted after the first permission had expired. The appellant now accepts both permissions have expired. The current position and proposal are in materially different circumstances to when development was considered previously.

26. The evidence does not demonstrate the property benefits from permitted development rights attached to development within the curtilage of a dwellinghouse. Even if permitted development rights apply the fallback outbuilding described by the appellant would be lower in height and less harmful than the existing outbuilding. This consideration provides little weight to support the development.

Conclusion

27. Planning permission should be refused in accordance with the development plan and other considerations do not indicate otherwise.

APPEAL B

28. The appeal is on grounds (f) and (g) only.

Appeal on ground (f)

29. The issue is whether the requirements are excessive to achieve the purpose of the notice.

30. The purpose of the notice is to remedy the breach of planning control, described as the erection of a rear outbuilding used as a self-contained dwelling and storage. The requirements are directed at securing cessation of the residential use and demolition of the outbuilding. They go no further than to restore the land to the condition it was before the breach took place and so remedy the breach. They are not excessive.

31. The statutory provisions of the 1990 Act mean that in a ground (f) appeal it is not open to the appellant to say that the notice should have a different purpose. The appellant did not dispute that the breach of planning control has occurred. The Council considered it expedient not to under-enforce.

32. Against that background I will consider the matters put forward by the appellant. According to the Council the unit had a kitchen and was occupied on 6 July 2023, very shortly before the notice was issued. The use as a dwelling may have ceased since and the kitchen been removed but requirements A and B remain necessary to ensure continued compliance.

33. To require use of the building for a purpose incidental to the main dwelling would be in excess of remedying the breach. All that is required is for the unauthorised use to cease. I have determined in Appeal A that a very similar proposal is unacceptable.

34. The appellant agrees that the planning permission for a garage dated 23 March 2022 (ref. 220327FUL) is no longer extant. Therefore a requirement cannot allow for its

implementation. A ground (f) appeal is not the appropriate procedure to gain a second planning permission for a building equivalent to part of the existing outbuilding.

35. In conclusion, no corrections or variations to the requirements are justified and the appeal on ground (f) fails.

Appeal on ground (g)

36. The issue is whether the three month period of compliance is reasonable.

37. The appellant has requested a period of 6 months to organise and plan the demolition of the structure. However, the demolition of the outbuilding would be a relatively small project. The site is located in an easily accessible urban area and has no serious constraints. The building has been unoccupied for some time. Overall, three months is reasonable. The appeal on ground (g) does not succeed.

Conclusions Appeal A and Appeal B

38. The two appeals should be dismissed.

Diane Lewis

INSPECTOR