



Appeal Decision

Site visit made on 7 January 2026

by **F Harrison BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Appeal Ref: APP/A5270/W/25/3375320

Kiosk and Decking Front Of 67 South Road, Southall UB1 1SQ

- 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 Jaishre Dirajlal against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 253412FUL.
 - The development is the retention of food kiosk and timber decking to the front driveway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form, which also contained details in support of the proposal. As these are not acts of development in themselves, I have removed this wording in the description, although I have taken the points raised into account in my reasoning below.
3. During my site visit, I observed a development which appeared the same as that shown on the application plans. I have therefore determined the appeal on the basis that planning permission is sought to retain the development that has been constructed.

Main Issues

4. The main issues are the effect of the development on the:
 - character and appearance of the area, including 67 South Road; and
 - living conditions of the neighbouring occupiers, with particular regard to No 67 in respect of daylight, privacy, noise and odour.

Reasons

Character and appearance

5. In the vicinity of the appeal site South Road comprises a row of semi-detached properties with relatively deep forecourts. The appeal site accommodates an area of hardstanding with a container used for the sale of food and drinks and an area of decking with seating. The forecourt of the attached semi-detached pair is used for the display of fabric associated with the retail use of the ground floor of the corresponding property. The predominant use of the rest of the forecourts along this section of South Road is for car parking. The absence of built form in the

forecourts and the subsequent open quality creates a sense of balance that contributes positively to the character and appearance of the area.

6. Although the container is lower in height than the top of the bay window and front door of No 67, and despite being set back from the street, the development is a dominant, bulky addition to the forecourt, that detracts from No 67 and the wider streetscene. The materiality of the development exacerbates its incongruity because it is at odds with the predominant use of brick. The visual intrusion of the development is readily apparent from various vantage points along South Road and from within nearby properties. In these views the uncharacteristic development in an otherwise generally open area draws the eye and unbalances the prevailing character and appearance of the area. Consequently, the development does not relate positively to its surrounding context.
7. While South Road has a mix of uses and a commercial character, I did not observe similar food kiosks in the appeal site location. Furthermore, the appeal development is not seen in the context of other forecourt development further away on South Road. As such, any comparison with other examples does not therefore indicate that the form of the appeal scheme sits comfortably within its setting and does not lead me away from my above findings.
8. For the reasons given, I conclude that the development is unduly harmful to the character and appearance of the area, including No 67, in conflict with policies D3 and D4 of the London Plan (2021) (LP), and policies 7B and 7.4 of the Development Management Development Plan Document (2013) (DMDPD). These policies include a requirement for development to optimise site capacity through a design led approach that includes positively responding to local character and achieving a high standard of design.

Living conditions

9. The development lies to the front of No 67 which is in residential use and so creates a sensitive relationship. The property may well be intermittently vacant and even if the ground floor room is currently used for storage, there is little certainty that there would not be occupiers in this room in the future. The siting of the container is such that it results in a relatively narrow gap between No 67 and the development. Owing to its bulky form the container obscures the sky and has an enclosing effect, reducing the amount of daylight reaching the ground floor window of No 67. This will be readily discernible to the occupiers, resulting in an environment that is not a welcoming place of retreat.
10. The proximity of the development to No 67 also allows staff and customers to easily see into the ground floor room and the occupiers are not therefore provided with acceptable levels of privacy. Despite the commercial character of the area and the relatively modest scale of the family run operation, the development is in such proximity that the noise and disturbance arising from the operation of the business and from customers milling about will be directly audible from within No 67. This will be particularly intrusive when the windows are open, as will the odour generated by the operation, which even though related to vegetarian produce, involves the heating up of food alongside the provision of hot drinks which will produce odours. However, the bin storage is inside the container and is said to be collected daily by a contractor. On this basis, odour from the bin storage will not diminish the living conditions of the occupiers of No 67.

11. In addition, the first-floor windows of the adjacent guesthouse are also close to the development. From these rooms the noise and disturbance and any odours would also be noticeable, particularly when windows are open, to the detriment of the living conditions of these occupiers.
12. To conclude, the development is harmful to the living conditions of neighbouring occupiers, with particular regard to No 67 in respect of daylight, privacy, noise and odour. It therefore conflicts with LP Policy D3 and DMDPD Policy 7B. Amongst other things these policies require development to be of the most appropriate form and land use for the site, with a high standard of amenity for adjacent users, including by ensuring good levels of daylight and sunlight, and privacy.
13. On the decision notice, the Council refers to LP Policy D6. As this relates to new housing development it is not determinative in this appeal.

Conclusion

14. My above findings bring the development into conflict with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be dismissed.

F Harrison

INSPECTOR