



Appeal Decision

Site visit made on 27 November 2025

by N Unwin BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2026

Appeal Ref: APP/A5270/D/25/3374415

45 Browning Avenue, Ealing, Hanwell W7 1AX

- 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 Mr Ryszard Szalankiewicz against the decision of the Council of the London Borough of Ealing.
 - The application Ref is 251476HH.
 - The development proposed is described as the construction of a single-storey side extension and an outbuilding in the rear garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence indicates that development has commenced. However, there are discrepancies between the submitted plans and what has been built, such as the materials. Therefore, I have determined the appeal based on the plans provided.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the Cuckoo Estate Conservation Area (the CA); and
 - living conditions of the occupiers of 47 Browning Avenue with specific regard to outlook, and daylight and sunlight.

Reasons

Character and Appearance of the CA

4. The appeal site is located within the Cuckoo Estate Conservation Area wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
5. The Cuckoo Estate Conservation Area Appraisal (CAA) describes the special surviving interwar London County Council planned estate with many of its original features and its entire original layout intact. It goes on to describe these houses as being mostly arranged in small groups of terraces or semidetached with these groups often set back/ forward from each other to maintain a spaciousness. The architectural style is consistent and mainly formed of red brick with hipped clay tile roofs. As such, the significance of the CA as a heritage asset is both architectural

and historic derived, in large part from the layout and materials of the built environment that enable appreciation of the area's history.

6. The appeal property forms a two-storey end terrace dwelling on the corner of Browning Avenue and Homefarm Road making it prominent within the street scene. Its scale and pitched roof form matches that of the wider terrace with its red brick construction and limited material palette reflecting that of the surrounding built environment making a positive contribution to the character and appearance of the CA. The flat roof of the existing rear extension appears incongruous in the context of the pitched roof of the host property and surrounding dwellings. The moderate rear garden provides a visual separation with the group of dwellings along Homefarm Road creating a spaciousness between them. As such, by virtue of its scale, form, architecture, materials and relationship with neighbouring groups of dwellings, the appeal property positively contribution to the character and appearance of the CA.
7. The proposed side extension would utilise a flat GRP roof which would appear out of context with the pitched roofs of the host and surrounding properties. It would appear prominent when viewed from Browning Avenue, detracting from the consistent design of the terrace. The outbuilding would project notably above the boundary fence within the gap between the host dwellings and those fronting Homefarm Road. This would erode the existing separation between these sets of terraces which forms an important part of the character of CA. Further, the outbuilding would utilise timber cladding which would appear alien in the context of the surrounding brick built properties and harm the existing consistency in material pallet. Thus, the proposal would fail to preserve the character or appearance of the CA and harms its significance as a heritage asset.
8. Given the scale of the proposal within the context of the CA as a whole, I consider the harm to its significance to be on the lower end of less than substantial. Nevertheless, Paragraph 212 of the National Planning Policy Framework (the Framework) directs when considering the impact of a proposed development on the significance of a designated heritage asset that great weight should be given to the asset's conservation, irrespective of the level of harm.
9. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
10. The appellant contends that the proposal would be constructed of ecological materials. Nonetheless, little information has been provided with regard to these ecological benefits an therefore they only carry limited weight and would not outweigh the harm to the significance of the CA as a heritage asset. The appellant further states that the proposal would provide storage for them and their family, nonetheless this is a private benefit and does not weigh in favour of the proposal.
11. For the above reasons, I conclude the appeal development fails to preserve or enhance the character or appearance of the CA. As such, the development conflicts with the relevant provisions of Policies D1 and D4 of the London Plan – the Spatial Strategy for Greater London (2021) (London Plan) and Policies 7.4 and 7C of the Ealing Development Management Development Plan Document (2013) (DPD). When read together these policies require development within Conservation Areas to retain and enhance characteristic features and detailing

and avoid the introduction of design and materials that undermine the significance of the Conservation Area.

Living Conditions

12. 47 Browning Avenue (No 47) adjoins the appeal property with its small rear garden adjoining that of the appeal site. The rear extension of the appeal property projects along a notable section of the shared boundary treatment appearing prominent when viewed from the rear garden of No 47. The absence of development to the rear of the appeal site creates an open aspect to the section of adjoining rear garden of No 47, benefiting its occupiers.
13. The proposed outbuilding would project notably above the boundary treatment with No 47 appearing dominant from the adjoining section of garden. The proposal in combination with the existing rear extension would create a significant form of development along the majority of the shared boundary with No 47. As such, it would appear oppressive to the occupiers of No 47 when viewed from their rear garden, creating a sense of enclosure and significantly harm the existing outlook of occupiers. Given its projection above the shared boundary and southern relationship to No 47, the proposal would additionally reduce the levels of sunlight received by the rear garden area. As such, the proposal would further harm the living conditions of its occupiers of No 47. Whilst the proposal would somewhat reduce levels of daylight from the south, given the more open aspect to north the rear garden of No. 47 would continue to achieve acceptable levels of daylight.
14. As such, the proposal would have a harmful effect on the living conditions of the occupiers of No 47, with specific regard to outlook and sunlight. Accordingly, it would conflict with the relevant provisions of Policy D1 of the London Plan and 7B of the DPD. When read together these policies require development to ensure adjacent users good levels of sunlight and a high standard of amenity.

Other Matters

15. The appellant contends that the proposal benefits from permitted development, nonetheless there is little evidence before me to confirm this. As such it carries limited weight.
16. The appellant suggests that there was no objection from the Council in principle. Nevertheless, this does not justify the harm identified above.
17. A condition to change the roof of the side extension to pitched would result in a conflict with the submitted plans and therefore fail to be precise, required by Paragraph 57 of the Framework.

Conclusion

18. For the reasons given above the appeal should be dismissed.

N Unwin

INSPECTOR