



Appeal Decision

Site visit made on 27 January 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 February 2026

Appeal Ref: APP/A5270/C/24/3342598

5 Dukes Avenue, Northolt UB5 5DA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Ali Al-Basam against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 19 March 2024.
 - The breach of planning control as alleged in the notice is without planning permission, the construction of a single storey side/rear (wrap-around) extension to a building and the laying of hardstanding in the front garden area ('the unauthorised development').
 - The requirements of the notice are: 1. Remove the hardstanding from the front garden area; and 2. Restore the front garden area to a matching condition before the breach of planning control occurred; and 3. Remove the single storey side/rear (wrap around) extension; and 4. Restore the external elevations of the main building following removal of the single storey side/rear (wrap around) extension to a matching condition before the breach occurred; and 5. Remove all resultant debris from the site. Or 1. Remove the hardstanding from the front garden area; and 2. Restore the front garden area to a matching condition before the breach of planning control occurred; and 3. Alter the single storey side/rear (wrap around) extension to accord with the development granted planning permission under reference 223746HH subject to its terms and conditions for 'single storey side/rear (wrap around) extension, following demolition of existing garage' in accordance with the drawing references: Location Plan; A 101+ A 201 (Block Plan); A102 + A202 (Ground Floor); A104 + A204 (Roof Plan); A106 + A206 (Section 1); A107 + A207 (Section 2); A108 + A208 (Front Elevation); A109 + A209 (Rear Elevation); A110 + A210 (Side Elevation 1); A111 + A211 (Side Elevation 2), approved on 14.10.2022, attached to the notice; and 4. Remove all resultant debris from the site.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) 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, 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.

Preliminary Matter

2. My decision takes the revised National Planning Policy Framework, which came into force during the course of the appeal, into account.

Ground (a) appeal

Main Issues

3. The main issues in this appeal are:
 - The effect of the development on the character and appearance of the bungalow and the surrounding area.

- Whether there is an increased risk of flooding.
- The effect on the living conditions of existing and future occupiers of neighbouring residential property, having regard to outlook and natural light.

Reasons

Character and appearance

4. The appeal property contains a semi-detached bungalow. The principal elevation has a decorative front gable over a curving bay window and the main roof is hipped. These features mirror those of the attached bungalow at 3 Dukes Avenue (No 3) and contribute to the properties' well-balanced appearance.
5. The property is located in an established suburban residential area. The environs are largely made up of semi-detached and detached bungalows, mostly of similar appearance and neatly arranged in comfortably sized, rectilinear plots, the front gardens often containing areas of maturing planting as well as hard surfaces and having low walls or fences adjacent to the street. These factors contribute to the pleasant and well-ordered suburban residential character and appearance of the surroundings.
6. The enforcement notice attacks the erection of a single storey extension which wraps around the side and rear elevations of the bungalow and a hard surface laid over the frontage. These works have been carried out following the granting of planning permission to erect a single storey side and rear wrap around extension at the property, following demolition of a garage.¹
7. The extension is considerably higher than in the approved scheme. This has led to the extension roofline being well above the bungalow's eaves line. The significantly higher roofline relative to the main eaves does not sit comfortably with the bungalow and has increased the overall scale of the extension. Nor does the higher roofline compare favourably with the approved scheme, in which the extension roofline is shown as slightly below the main eaves line. As a result, the extension is seen as an awkward and visually disruptive built feature which fails to integrate satisfactorily with the bungalow and does not appear sufficiently subservient to it, upsetting the well-balanced appearance of the pair of bungalows and being entirely at odds with the prevailing pattern of local development.
8. The extension has a built footprint and flat roof similar to in the approval and the rendered external walls match those of the rest of the bungalow. Also, the roofline sits well below the ridge of the main roof and the front elevation is in line with that approved. Even so, these factors do not significantly offset the adverse visual consequences of the extension identified above. Moreover, the height of the extension does not reflect advice on good design in the Council's Supplementary Planning Documents (SPD). SPD 4 'Residential Extensions' advises that side extensions should be no more than 3m high, so as to not detract from the original dwelling or from the character of the area. Also, the Housing Design Guidance SPD advises that such development should respect prevailing heights and be subsidiary to the general roof line. The SPD thus reinforce my findings concerning the visual impact of the extension.
9. There are a number of side extensions in the vicinity, including the examples referred to by the main parties. However, without full details of the circumstances in which those extensions originated it is difficult to make a meaningful comparison with the appeal extension. The Council suggested that some of the side extensions are not lawful; there is nothing before me to suggest otherwise. The mere existence of outwardly similar developments is not a sound reason to grant

¹ Council Ref: 223746HH

planning permission. Besides, some of the local extensions reflect the SPD advice referred to above.

10. Occupying most of the front garden, the hard surface has an expansive area along with an obviously manufactured, angular profile. The solid concrete finish has a utilitarian appearance which does not compare favourably with the more decorative surface finishes of other property frontages in the locality. Nor has any significant softening landscape planting, which could have assisted in visually integrating the hard surface with its surroundings by reflecting the positive visual qualities of other frontages in the vicinity, been provided. Also, following removal of a substantial portion of the front boundary wall there is little sense of separation between the hard surface and the street.
11. As a result, the hard surface visually dominates the property frontage, being seen as a stark, 'engineered' and alien feature and contributes to a more urbanised feel in the street scene. It also fails to reflect the Housing Design Guidance SPD, which amongst other things advises maximising permeable ground surfaces in front gardens. Whilst the hard surface may be incomplete, few details were supplied concerning how the harm I have identified could be overcome. Moreover, further works would fall outside the scope of what can be considered in the deemed planning application which flows from the ground (a) appeal.
12. For the above reasons, the development causes unacceptable harm to the character and appearance of the bungalow and the surrounding area. This is in conflict with criteria in Policy D3 of the London Plan (LP), which require new development to enhance the local context by delivering buildings and spaces that positively respond to local distinctiveness including through their scale and appearance and to be of high quality, with architecture which pays attention to detail. It conflicts with Policy 7.4 of the Ealing Development Management Plan Development Plan Document (DPD), which requires new development in existing built areas to complement their building pattern, scale and detailing, amongst other things. It also conflicts with criteria in DPD Policy 7B, which requires external treatments to complement the building and context and that extensions to existing development meet design standards. Additionally, the extension conflicts with criteria in Policy DAA of Ealing's Draft Local Plan (ELP), which requires new development to ensure high quality design which has a positive visual impact.

Flood risk

13. There is little to indicate that water run-off from the hard surface is adequately drained within the property. Nor can there be any assurance that a reasonable planning condition could be imposed to secure the provision of adequate surface water drainage. For instance, this might involve removing a substantial portion of the hard surface, largely negating the effect of any permission granted. As a result, the hard surface increases the risk of flooding. This conflicts with DPD Policy 5.12, which seeks to manage flood risk including by resisting unsustainable drainage treatments in domestic gardens.

Living conditions

14. In my estimation, the extension does not protrude a significantly greater distance beyond the rear extension at No 3 compared to in the approved scheme. No 3 has an irregularly shaped rear garden which is considerably smaller than most neighbouring rear gardens. Even so, in the context of the overall scale of the approved extension, the increase in height is unlikely to have led to occupiers of No 3 experiencing an appreciably stronger sense of enclosure or a notably more oppressive or restrictive outlook at the rear of their property. Also, given the position of the extension on the south-western side of No 3, any further erosion in natural light or increase in overshadowing experienced by occupiers of that property is probably confined to late afternoons and early evenings. Exceeding the height limit in SPD 4 does not automatically lead to harm to neighbours' living

conditions. Additionally, it is unclear whether the extension significantly infringes the 45-degree rule set out in the Housing Design Guidance SPD in relation to windows at the rear of No 3 compared to in the approval.

15. Similarly, the greater height and scale of the extension has not led to occupiers of the neighbouring 7 Dukes Road experiencing a markedly greater sense of enclosure or a further appreciable reduction in levels of natural light enjoyed in rooms served by openings in the north-east side elevation of their bungalow, compared to in the approved scheme. Given the orientation, facing directly towards the side of the property, the outlook from these rooms would probably have been largely constrained by the bungalow and former garage, with correspondingly limited levels of natural light, prior to erection of the extension.
16. Therefore, the development does not adversely affect the living conditions of occupiers of neighbouring residential property. There is no conflict with LP Policy D3, criterion in which requires new developments to deliver appropriate outlook, privacy and amenity, or with LP Policy D6, criterion in which requires new development to provide sufficient daylight and sunlight to surrounding housing appropriate to its context. Also, there is no conflict with DPD Policy 7B, which requires new development to achieve a high standard of amenity for users and for adjacent uses by ensuring amongst other things, good levels of daylight, sunlight and privacy, or with the similar requirements in ELP Policy DAA.

Conclusion

17. The development harms the character and appearance of the bungalow and the surrounding area and increases the risk of flooding, in conflict with the Development Plan, taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the Development Plan. Therefore, 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).

Stephen Hawkins

INSPECTOR