



Appeal Decision

Site visit made on 13 July 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2026

Appeal Ref: APP/A5270/C/24/3351648

55 Evelyn Grove, Southall, Ealing UB1 2BP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Amrinder Singh against an enforcement notice issued by the Council of the London Borough of Ealing.
 - The notice was issued on 29 August 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission: The construction of a separate self-contained dwelling at the rear and erection of single storey extension to the outbuilding.
 - The requirements of the notice are to:
 - A. Cease the use of the separate self-contained dwelling at the rear;
 - B. Demolish the separate self-contained dwelling at the rear, the location of which is marked with an 'X' on the attached plan;
 - C. Demolish the single storey extension to the outbuilding the location of which is marked with a 'Y' on the attached plan; and
 - D. Remove all resulting debris and material 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)(a), (f) 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.

The Appeal on Ground (a) and the Deemed Planning Application

Main Issues

2. The main issues are the effect of the developments on:
 - the character and appearance of the area;
 - the living conditions for neighbouring occupiers of 53 Evelyn Grove with particular regard to outlook;
 - the living conditions for neighbouring occupiers on Evelyn Grove with particular regard to noise and disturbance; and
 - the living conditions for the occupiers of the new dwelling with particular regard to internal floorspace, aspect, privacy, and the provision of amenity space.

Reasons

Character and appearance

3. The site relates to a two-storey end-of-terraced dwelling in a residential area which has been previously extended with a ground and first floor rear extension and a loft conversion containing a full width rear dormer roof extension.
4. The appeal development relates to a freestanding single storey flat roof new dwelling situated towards the end of the rear garden, together with the erection of a single storey rear extension filling the gap between the ground floor rear extension and the new separate dwelling at the rear. Despite claims that the extension has been demolished, it remained in existence at the time of my site visit, albeit the wall facing the garden had been removed.
5. The new dwelling is located in an established suburban residential area, characterised by two storey terraced dwellings of similar age, scale, architectural style with front gardens and driveways fronting the street and reasonably sized private rear gardens. Extensions and ancillary outbuildings are a common feature in this area.
6. However, the appeal dwelling is single storey only and is of more modest size and proportion than the two-storey dwellings which front the street. The dwelling is of a size more akin to an ancillary outbuilding, rather than a building used as a self-contained dwellinghouse. The building also sits in a plot which is limited in size when compared with the more generous proportions of the plots occupied by the majority of dwellings in the locality.
7. In addition, a timber framed extension has also been constructed, along the boundary with No 53 Evelyn Grove, which has infilled the entire gap between the main dwelling and the new separate dwelling at the rear. The new dwelling and extension to the dwelling occupy a substantial part of the rear garden with little space around the original dwelling. Consequently, the appeal development results in an unduly cramped form of development in this rear garden setting.
8. Furthermore, located behind the main dwelling and other dwellings on the street, and situated adjacent to the rear gardens of neighbouring residential properties, the building occupies a 'backland' location, with no 'active' street frontage, with access being via an alleyway which runs between the side of the dwelling and neighbouring residential dwelling at No 57 Evelyn Grove. Therefore, the new dwelling is in stark contrast to the general pattern of development in the area, where dwellings face towards the road.
9. For the above reasons, the new dwelling is at odds with the prevailing pattern of development in the locality, harmfully eroding the existing pleasant suburban residential character of the area. I appreciate that there are no public views of the development. Nevertheless, the dwelling and extension to the dwelling are clearly noticeable from neighbouring properties and gardens.
10. Therefore, the unauthorised development results in harm to the character and appearance of the 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 neighbouring occupiers of 53 Evelyn Grove with particular regard to outlook.

11. The extension to the dwelling infills the entire gap between the single storey rear extension and the dwelling itself along the boundary with No 53 and comprises timber posts and a canopy roof above. Furthermore, the canopy roof rises above the existing boundary treatment and therefore results in greater harm.
12. As such, the unauthorised development, in combination with the current rear extension, extends the full length of the garden along the boundary with No 53 resulting in a dominant and continuous form of development when viewed from No 53. Indeed, the outlook from No. 53 is restricted by this development resulting in an increased sense of enclosure to occupiers of this neighbouring property, thereby harming their living conditions.
13. Therefore, the development fails to provide acceptable living conditions for occupiers of No 53, 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.

Living conditions for neighbouring occupiers on Evelyn Grove with particular regard to noise and disturbance.

14. The Council advise that the new rear dwelling was occupied by a two-adults and a child. A small family occupying the building independently of the main dwelling would be likely to have separate work/domestic regimes and would attract their own visitors and deliveries at different times during the day and evening. In this respect, the building occupied as a separate dwelling is more likely to increase the volume of movements to and from the building, and the range of times when these activities take place.
15. The introduction of a separate dwelling in the rear garden, in close proximity to occupiers of the main house and neighbouring properties is likely to have resulted in levels of noise and disturbance which adversely affect the living conditions of neighbouring occupiers. This derives from noise generated from 'comings and goings' outside of the building, and the increasing use of the side access gate, and alleyway for entering the property, the over-intensive use of the modest rear garden, and the increased movements around the site. Indeed, a number of complaints have been raised by neighbouring residents regarding the over intensive use of the shared alleyway.
16. I therefore conclude that the unauthorised development has had a harmful effect on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance, in conflict with Policy 7B of the DMDP. Amongst other things, this requires that new development must achieve a high standard of amenity for users and for adjacent uses by ensuring appropriate levels of development on site.

Living conditions for the occupiers of the new dwelling with particular regard to internal floorspace, aspect, privacy, and the provision of amenity space

Internal floorspace, aspect and privacy

17. When the Council visited the premises, it comprised a two-bedroom dwelling and was occupied by two adults and a child. Policy D6, Table 3.1 of the London Plan requires that 2-bedroom 3 person dwellings provide at least 61sq.m. No exact floorspace measurements have been provided by the appellant. The Council consider this to be approximately 30sq.m only, which has not been disputed.
18. Regardless of the exact figure, I observed during my site visit that there was insufficient space within the dwelling for a two-bedroom dwelling. In particular, the main living and sleeping areas were extremely cramped with limited circulation space, and limited clear surfaces in the small kitchen for preparing and cooking food. Furthermore, the dwelling is single aspect only, with the main living and sleeping area served by only one window, which is partially located under the roof of the unauthorised single storey extension to the building (also the subject of this appeal). As a result, the development fails to provide a satisfactory living environment, which feels cramped, claustrophobic and oppressive for occupiers of the dwelling.
19. Furthermore, the habitable room window which serves the dwelling is in close proximity to the main dwelling. The position of this single habitable room window, coupled with the lack of sufficient screening results in significant and intrusive overlooking to occupiers of this rear dwelling, which harms their living conditions.
20. I therefore conclude that the unauthorised development harms the living conditions for the occupiers of the dwelling, with particular regard to the provision of internal floorspace, aspect and privacy in conflict with Policy D6 of the London Plan and Policies 3.5 and 7B of the DMDP. Amongst other things these require that housing development be of a high-quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose and meet the needs of Londoners, and that new development must achieve a high standard of amenity for users and for adjacent uses by ensuring good levels of privacy.

Private amenity space for occupiers for the dwelling

21. Both Policy D6 of the London Plan, 2021 (London Plan) and Table 7D.2 of the DMDP require a minimum of 5sqm of private outdoor space should be provided for 1-2 person dwellings and an extra 1sqm provided for each additional occupant. Table 7D.2 states that this space requirement should be read as a minimum and that this minimum baseline requirement will in most cases need to be supplemented by additional private garden space to satisfy other policy requirements/design considerations. The amount and form of provision should respond to the physical context, respecting the established local character. Table 7D.2 indicates that this would typically equate to an area of 50 sq.m of private garden space per house.
22. As outlined above, the new dwelling in the rear garden has been occupied by three persons. Contrary to the above policies, no private amenity space has been provided for occupiers of the new dwelling, which has been occupied by a family.

23. I therefore conclude that the unauthorised development harms the living conditions for the occupiers of the dwelling, with particular regard to the provision of private amenity space, in conflict with Policy D6 of the London Plan and Table 7D.2 of the DMDP, which seeks the aforementioned aims.

Other matters

24. The appellant suggests that planning permission could be granted with conditions to restrict the use of the building to that ancillary to the main house. However, this is not part of the development before me. In an appeal under ground (a), 'that planning permission should be granted for what is alleged in the notice,' the allegation cannot be corrected to enable a development different to that which is correctly defined in the notice. I am therefore unable to consider granting permission for this alternative development. It is, however, open to the appellant to apply for planning permission for an incidental outbuilding, if they so wish.

Conclusion on Ground (a) and the DPA

25. 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 area, harms the living conditions for the occupiers of the dwelling and neighbouring properties, in conflict with the development plan taken as a whole. None of the other matters raised by the appellant 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.
26. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the DPA should be refused.

The Appeal on Ground (f)

27. 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".
28. The enforcement notice requires the demolition of the unauthorised developments, and to cease the use of the separate self-contained dwelling at the rear, and as such, the purpose of the notice is to remedy the breach of planning control rather than only remedy any injury to amenity.
29. The appellant considers that the development could be converted to an ancillary building. However, as stated above under the ground (a) appeal, an ancillary building is an entirely different development than the one before me and therefore I cannot consider this under this ground (a) and (f) appeal. It would also not achieve the purpose of the notice which is to remedy the breach.
30. The appellant argues that building 'Y' has already been demolished. However, this infill extension has not been demolished. There are no lesser steps drawn to my attention or any obvious alternative that would remedy the breach of planning control which is the purpose of the notice.
31. On this basis, the Ground (f) appeal fails.

Conclusion

32. 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