Planning Inspectorate

Appeal Decision

Site visits made on 13 and 27 July 2026

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2026

Appeal Ref: APP/A5270/C/24/3349113
30 Brentmead Gardens, Park Royal, London NW10 7DS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Mr Ahmad Sultani against an enforcement notice issued by the Council of the London Borough of Ealing.
- The notice was issued on 19 June 2024.
- The breach of planning control as alleged in the notice is: Without planning permission : The construction of a single storey rear extension and raised patio area.
- The requirements of the notice are to:
  A. Demolish the single storey rear extension;
  B. Demolish the raised patio area; and
  C. Remove all resulting debris from the land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a), (g) 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.

Decision

1. It is directed that the enforcement notice be:

- varied by deleting the words “three months” within section 5 (what you are required to do) and its replacement with “6 months”.

2. Subject to this variation, 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.

Preliminary Matters

3. I was unable to undertake an internal inspection of the appeal site as the appellant failed to attend the accompanied site visits on both 13 and 27 July 2026. No reasons have been given why they did not attend either visit. Indeed, the appellant’s agent confirmed in writing that someone would be in attendance prior to the second visit. Accordingly, this appeal will now be determined on the basis of the evidence and photographs before me. Both parties were subsequently written to explaining this, and the appellant’s agent confirmed that they are agreeable to this. Therefore, I am satisfied that neither party would be prejudiced by this.

The Appeal on ground (a) and the deemed planning application

Main Issues

4. The main issues are the effect of the developments on:

   - the character and appearance of the host building and the area; and

- the living conditions for the occupiers of No 28 Brentmead Gardens, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The site relates to a two-storey mid-terraced dwelling in a residential area characterised predominantly by other terraced two storey properties of similar size and style, many of which have been extended with rear extensions. The appeal property has been previously extended with a rear dormer roof extension and a detached outbuilding at the rearmost part of the back garden. The appeal property has been further extended with a single storey rear extension and raised patio (the subject of this appeal).

6. Rear extensions are a common feature in this area. However, the subject rear extension extends the building considerably and extends beyond the rear building lines of both adjacent properties. I appreciate that the extension has been designed in materials which are compatible with the host building and a reasonable amount of rear garden space has been retained. Nevertheless, owing to its excessive overall depth and scale, the development unacceptably diminishes the character and appearance of the host building and the area generally. The rear extension is not widely visible within the wider public realm. However, its presence is clearly apparent and in close proximity of neighbouring residential properties.

7. I therefore conclude that the development harms the character and appearance of the host dwelling and 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 the occupiers of No 28 Brentmead Gardens - outlook and privacy

8. No 28 Brentmead Gardens has not been extended at ground floor level and therefore still retains its original rear wall. As a result, the excessive depth and scale of the rear extension at No 30 results in a visually intrusive, dominant, and unneighbourly form of development, built along the boundary with the neighbouring residential garden at No 28. The proximity and increase in massing of the development well above the existing boundary fences appear oppressive and overbearing from these neighbouring gardens, resulting in harm to the outlook currently enjoyed by the existing occupiers of No 28.

9. I appreciate that the existing rear gardens are overlooked to a certain extent by the existing windows in the rear elevation of properties along the street. However, the new raised patio, rising well above the existing garden level, coupled with the lack of sufficient screening along the boundary with No 28, results in a greater degree of overlooking into the neighbouring garden and property at No 28, and a further detrimental loss of privacy for these neighbouring occupiers. I do not consider that the existing vegetation and trees in the rear gardens prevent direct views into this neighbouring garden.

10. This would be exacerbated by the location of the windows in the side elevation facing towards the property and rear garden at No 28. Whilst it is acknowledged that these are high level windows, the unneighbourly position of these windows, coupled with their proximity results in perceived overlooking into the adjacent property and garden at No 28. The perception of overlooking, along with the experience of the overbearing development, causes significant harm to the living conditions of those occupiers.

11. I therefore conclude that the developments fail to provide acceptable living conditions for occupiers of No 28 Brentmead Gardens, with particular regard to outlook and privacy. 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.

Conclusion on Ground (a) and the Deemed Planning Application

12. 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 developments harm the character and appearance of the host dwelling and area, and the living conditions of the neighbouring occupiers of No 28 Brentmead Gardens with regard to outlook and privacy in conflict with the development plan taken as a whole. None of the other matters raised by the appellant, including the benefits of improved living accommodation 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.

13. For the reasons given and with regard to all other matters raised, I conclude that the appeal on ground (a) should fail, and the deemed planning application should be refused.

The Appeal on Ground (g)

14. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The Council has given 3 months for the demolition of the unauthorised developments. The appellant requests that a period of 12 months would be more reasonable and considers that additional time is needed to raise funds, and to find a contractor to undertake the remedial works.

15. The time for completing the requirements should be what is reasonably considered necessary to complete the requirements. In my view, 6 months would strike a more reasonable and proportionate balance to carry out the remedial works.

16. To this extent, the ground (g) appeal succeeds, and I will vary the notice accordingly.

Conclusion

17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice, with a variation, 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