

Appeal Decision

Site visit made on 13 September 2016

by Emma Tinsley-Evans BSoc.Sc MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 September 2016

Appeal Ref: APP/F5540/D/16/3155241
40 Nene Gardens, Feltham TW13 5PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs P Vine against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01505/40/P1, dated 14 March 2016, was refused by notice dated 12 May 2016.
 - The development proposed is outbuilding in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the host dwelling and wider area; and
 - The living conditions of the occupants of 39 and 41 Nene Gardens with regard to outlook.

Preliminary Matters

3. The appellant has indicated on the planning application form that work has already started without planning permission and at my site visit it was evident that the building is substantially complete. The Local Planning Authority determined the application as retrospective and I have also considered the appeal on this basis.

Reasons

Character and appearance

4. The outbuilding is situated at the end of the rear garden of 40 Nene Gardens, a terraced property in an established residential area. It is flanked on either side by the rear gardens of the neighbouring houses, although a shared path separates Nos 40 and 41. Whilst the rear gardens of the appeal site and its neighbours are of a reasonable size, they are fairly narrow and not notably long.
 5. The timber outbuilding has a flat roof and stands around 2.9m high. At approximately 7.8m in depth it extends for around half the length of the rear
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garden of No 40 and also spans much of its width. The outbuilding therefore occupies a significant proportion of the rear garden and is a prominent and bulky feature at the back of the house.

6. The timber construction of the outbuilding is in keeping with the boundary fence, and the UPVC doors match those of the main house. However, the host property and the other dwellings in the street are predominantly of brick construction. I do not therefore consider that the outbuilding has regard to the character, materials and scale of the host dwelling as required by Policy SC7 of the Hounslow Local Plan 2015 – 2030 Volume One (LP).
7. Furthermore, although I do not doubt that the outbuilding is incidental to the enjoyment of the main house, due to its size, scale, and the significant amount of rear garden it occupies, it does not have a subordinate appearance, despite its single storey nature.
8. The outbuilding appears out of proportion on the site and out of keeping with the surrounding area where the residential gardens have a more open character. The development does not therefore respect the wider context of the area or maintain the character of private spaces including rear gardens, as required by Policies CC1 and SC7 of the LP.
9. There are limited public views of the outbuilding from Nene Gardens; however, it is certainly prominent when viewed, particularly from the first floor windows, of the neighbouring properties. As the outbuilding projects above the boundary fence, it can also clearly be seen from Bideford Close, a residential street to the rear of the appeal site. Whilst I acknowledge that a timber structure is not in itself out of character given that this material is common to other outbuildings in the vicinity, due to its size, scale and bulk, the building appears incongruous and visually intrusive. It does not have a positive impact on the amenity of visitors and passers-by as required by Policy CC2 of the LP.
10. Although the appeal site is not listed, nor in a Conservation Area, policies CC1, CC2 and SC7 of the LP, as well as Section 7 of the National Planning Policy Framework (the Framework) seek to ensure that development is of a good design that respects local character and context.
11. I conclude that the development has a harmful impact on the character and appearance of the host dwelling and wider area. I find conflict with Policies CC1 and CC2 of the LP which seek to ensure that developments respond sensitively to the characteristics of the site and wider context, function well in themselves and in their effect on the surrounding area and have a positive impact on the amenity of current and future residents, amongst other things.

Living conditions

12. Whilst the outbuilding spans much of the width of the rear garden of No 40, in accordance with the Council's Residential Extension Guidelines Supplementary Planning Guidance 2003 (SPG) there is a gap of over 1m to the boundary with the neighbouring property at No 39 and over 2m to the boundary with No 41 due to the shared path which runs between the properties.
13. Therefore, although the outbuilding projects above the boundary fence by over 1m, given its flat roof design, together with the height of the existing fence and the gap that is maintained to the boundary with neighbouring properties, I do

not consider that the outbuilding has an overbearing impact that is detrimental to the outlook of the occupants of Nos 39 or 41.

14. Nevertheless, the outbuilding is a large and bulky form of development that appears out of scale with the modest rear gardens of the host property and the surrounding dwellings. It visually dominates the back of the houses along this part of Nene Gardens and I consider that when viewed from the rear windows of the neighbouring properties, particularly at first floor level, the outbuilding is a visually intrusive form of development.
15. Consequently, the outlook from the neighbouring properties has been significantly altered by this prominent and imposing structure to the detriment of the visual amenity of the occupants.
16. Therefore, whilst I do not consider that the outbuilding has an overbearing impact, it is a visually intrusive form of development that has a harmful effect on the living conditions of the occupants of 39 and 41 Nene Gardens with regard to outlook.
17. I find conflict with Policy SC7 of the LP which seeks to ensure, amongst other things, that development minimises harm to neighbouring residents, including avoiding an unacceptable loss of outlook.

Other Matters

18. My attention has been drawn to an existing outbuilding at 38 Nene Gardens. However, I note that the garden area of this property is much larger than the appeal site and as such the outbuilding does not appear out of proportion on the site. It is also located in the side garden area of No 38 and is not visually conspicuous from the neighbouring dwellings.
19. I have also had regard to the appeal decision referred to by the appellant. Although the outbuilding in this case was allowed, the characteristics of the site are not the same as the current appeal site and I note that it is also in a different Local Authority area. As such, I afford it only limited weight. In any event each case is determined on its own merits and the example does not lead me to a different view in this case.

Conclusion

20. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Emma Tinsley-Evans

INSPECTOR