

Appeal Decisions

Site visit made on 8 November 2016

by Mr J P Sargent BA(Hons) MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/F5540/W/16/3145748

41 Great South West Road, Hounslow TW4 7NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr Bal Chada against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00504/41/P1, dated 4 August 2015, was refused by notice dated 29 January 2016.
 - The development proposed is a single storey outbuilding.
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Appeal Ref: APP/F5540/C/16/3145828

41 Great South West Road, Hounslow TW4 7NH

- The appeal is made under section 174 of the Act as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Bal Chadha¹ against an enforcement notice issued by the Council of the London Borough of Hounslow.
 - The notice was issued on 3 February 2016.
 - The breach of planning control as alleged in the notice is the erection of an outbuilding.
 - The requirements of the notice are demolish the outbuilding and remove all resultant debris associated with the development 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) & (f) of the Act as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended is also to be considered.
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Decisions

Appeal APP/F5540/W/16/3145748

1. The appeal is allowed and planning permission is granted for a single storey outbuilding at 41 Great South West Road, Hounslow TW4 7NH in accordance with the terms of the application, Ref 00504/41/P1, dated 4 August 2015.

Appeal APP/F5540/C/16/3145828

2. The appeal is allowed and the enforcement notice is quashed. Planning permission is granted on the application deemed to have been made under section 177(5) of the Act as amended, for the development already carried out, namely the erection of an outbuilding at 41 Great South West Road, Hounslow TW4 7NH referred to in the Notice.

¹ On the planning application form and on the appeal form concerning the Enforcement Notice are different spellings of the Appellant's name.

Procedural matters

3. Reference was made in the submissions to the outbuilding being used as a separate unit. However the Notice concerns building operations only and the planning application is not for a material change of use. Moreover the building was virtually empty when I visited and the fittings in the bathroom had been removed. As such, its use as separate accommodation is not before me.

Ground (a) appeal and deemed planning application

Main Issue

4. The main issue in this case is the effect of the works on the character and appearance of the area.

Reasons

5. 41 Great South West Road is a former semi-detached dwelling that has been converted to flats. It stands amongst properties of a similar appearance that seem to have been laid out with very long gardens behind.
6. The original rear garden (the original garden) at the appeal property has been subdivided in 2 ways. Firstly, a fence crosses the curtilage roughly half way back and the area beyond is inaccessible from the rest of the property and totally overgrown. The remaining area (the reduced garden) has been further split by fencing immediately behind the former house to create an enclosed part for the ground floor flat. The building subject of this appeal stands between that enclosed part and the dividing fence across the curtilage, and is for use in connection with the first floor flat.
7. The outbuilding is not unduly close to the former house, being set back some 4m or so from the fencing around the part used by the occupiers of the ground floor. Although having a footprint that is only some 20sqm smaller, its single storey flat roofed form means it is clearly a subservient element when seen against the 2 storey pitched roof building at the front of the site. Moreover, given its subservient nature and its position on the plot I consider its design is not inappropriate in this back garden location.
8. Behind other properties in this row I saw a number of garages and outbuildings of a variety of designs that were of a comparable scale to what is now before me, many of which were of some age and/or no doubt built as 'permitted development'. They were sited in differing positions on the plots, and included amongst these was an outbuilding next door at the rear of 43 Great South West Road that was of a similar size and design to the Appellant's and in a comparable location. As such, the building subject of the Notice is not an isolated or alien feature. I note too that, despite this outbuilding, well in excess of 60% of the original garden is open and undeveloped as required by the Council's *Residential Extension Guidelines* supplementary planning guidance (the SPG). Therefore, I have no basis to find its scale or bulk is incongruous within the context of these long plots, or that it harmfully interrupts the pattern of back gardens on this stretch of road.
9. It was the Council's case though that the impact of the building should have regard to the limited area of the reduced garden that has been formed by the

fence that crosses the curtilage. This is not a view I share, as such a subdivision lies outside the planning system and could well be reversed. Moreover, when considering the building's effect on the character and appearance of the area to my mind regard is still given to the openness and extent of the original garden despite the dividing fence and the overgrown nature of the land beyond.

10. Putting those points aside it has not been stated whether 60% of the reduced garden is still open and undeveloped as required by the SPG. Based on my judgement though I consider that in that part of the garden and indeed within the area available for just the first floor flat sufficient room remains around the building to mean it is not unduly cramped and does not take up a disproportionate amount of useable amenity space.
11. The SPG also says detached outbuildings should be as far away as possible from the house so as to avoid overshadowing of adjacent houses and patios, and should be set in at least 1m from the boundary. This building is against the boundary with the property to the north-east and the Council noted it was only half way down the original garden (though it gave no indication as to why the original garden should be used to assess this point when otherwise much reliance was based on the impact of the building against the reduced garden). However, the Council accepted it causes no harm to the living conditions next door, and, given the size of that plot and the distance to the building, that is a view I share. Consequently, any conflict in this regard with the SPG does not offer a basis to resist the scheme.
12. In considering this proposal I am of the view that no conditions are necessary to make it acceptable. Planning permission would be needed for a material change of use resulting in the building being used as independent accommodation and so a condition to prohibit that is unnecessary.
13. Accordingly I find that the development does not detract unacceptably from the character and appearance of the area, and so does not conflict with Policies CC1, CC2 or SC7 in the *London Borough of Hounslow Local Plan* while any conflict with the SPG is not sufficient to warrant refusal.

Ground (f) appeal

14. Given my findings in relation to the ground (a) appeal I take no further action with regard to the appeal under ground (f).

J P Sargent

INSPECTOR