
Appeal Decision

Site visit made on 30 November 2016

by John Morrison BA (Hons) MSc MRTPI

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

Decision date: 8 December 2016

Appeal Ref: APP/A5270/D/16/3158128

94 Marlborough Road, Southall, Middlesex UB2 5LP

- 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 Mrs Narinder Saini against the decision of the Council of the London Borough of Ealing.
 - The application Ref 162090FUL, dated 4 May 2016, was refused by notice dated 1 August 2016.
 - The development proposed is use of the single storey outbuilding as a guest studio.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development as it appears on both the planning application and appeal forms. I accept that this does not tally with the Council's description on the decision notice. However, it is the appellant's view that this description accurately reflects the development for which planning permission is sought. In addition, I noted on my site visit that the building was laid out internally as per the plans that have been submitted.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The outbuilding in question is situated to the far end of the existing rear garden of Number 94. It is single storey and effectively forms the rear boundary of the residential curtilage, backing onto a shared communal access area. It has a single partially glazed door and obscurely glazed window facing into the garden and a solid UPVC door which opens out into the aforementioned communal area.
 5. The main dwelling is one of a terrace of two storey dwellings which, together, form a distinct and defining uniform pattern of frontage development with small ancillary outbuildings at the end of long narrow rear gardens.
 6. The appellant has made it clear that the description of development should not refer to the building being an ancillary residential guest studio. Nevertheless their evidence suggests that the space inside it would be used in addition to
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that which exists in the main dwelling, which would suggest it being ancillary. Albeit there is no compelling evidence before me to confirm that the occupants/users of the building would or would not be part of the household living in the main dwelling.

7. The building is small in scale, has no defined curtilage and fronts onto the rear garden to the main dwelling. However, it has its own boiler, cooking, cleaning and washing facilities as well as being accessible by means other than through the aforementioned garden. Furthermore, it is distinctly separated from the main dwelling by a deep garden. The building has no defined bedroom although as part of my site visit I noted that the sofa located in the living space did have the capability to be converted into a bed.
8. The appellant's evidence stresses that the building is to be used as additional lounge space given that a proportion of the same in the main dwelling is taken up for the care of an elderly relative. Whilst I accept this may be the case, one must question why lounge space would necessarily need all of the additional facilities that I have mentioned above.
9. I accept the argument that the building is not intended to be used as a separate dwelling but given its separation distance from the main dwelling, independent access and the self-contained nature of the facilities within it, it is clear to me that this is what has been created. To my mind, additional lounge space, if it were to be truly in connection with the main dwelling, would be purely that, perhaps with an additional WC for convenience.
10. Through the use of an appropriately worded planning condition, I acknowledge that I could specify the occupation of the building to be ancillary or in addition to the residential use of the main dwelling. However, the appellant has explicitly not applied for a self-contained unit of accommodation, ancillary or otherwise. Such controls would therefore go beyond the description of the development for which planning permission is sought. Furthermore, given the distinct nature of the building, its clear severability from the main dwelling and the fact that it has its own independent access leads me to conclude that such a condition would also be an unfair burden on the Council to monitor and enforce.
11. With these factors in mind, the development has created a back land form which is wholly uncharacteristic of the frontage terraced development that defines the character of the area. It is therefore contrary to Policies 7.4 and 7.6 of the London Plan¹ and Policies 7.4 and 7B of the Local Plan². These Policies, along with section 7 of the Framework³, seek to ensure that, amongst other things, new development is of the highest quality and contextually appropriate architecture and design and respects local character.

Other Matters

12. I note the appellant's argument that the Council have failed to take into account the effect of the use of part of the ground floor of the lounge areas in the main dwelling for the care of an elderly relative. This has created the need for more lounge space and the cost and burden for the care of the relative

¹ The London Plan 2015

² The London Borough of Ealing Development Management Development Plan Document 2013

³ The National Planning Policy Framework 2012

concerned has, as a result, been removed from the need to rely on state funded care.

13. I attach some weight to the benefits of caring for relatives at home which clearly goes beyond simple cost saving. Nevertheless, the fitting out of the outbuilding has clearly gone beyond what can reasonably be considered as additional lounge space and for the reasons set out above, harm is caused to the character of the area as a result. The positive aspect of the above consideration is therefore not sufficient to outweigh the harm that I have identified.

Conclusion

14. For the reasons set out above, and having regard to all other matters raised, the appeal is dismissed.

John Morrison

INSPECTOR