
Appeal Decision

Site visit made on 7 February 2017

by Y Wright BSc (Hons) DipTP MSc DMS MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/T5150/D/16/3166306

9 Donnington Road, Harrow HA3 0NB

- 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 Marius Solovastru against the decision of the Council of the London Borough of Brent.
 - The application Ref 16/3420, dated 25 August 2016 was refused by notice dated 28 October 2016.
 - The development is described as 'erection of a gym outbuilding and construction of an adjacent sheltered seating and barbecue areas towards the rear of the garden'.
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Decision

1. The appeal is allowed and planning permission is granted for a gym outbuilding and adjacent sheltered seating and barbecue areas towards the rear of the garden at 9 Donnington Road, Harrow HA3 0NB, in accordance with the terms of the application, Ref 16/3420, dated 25 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. FR-PL-1000, FR-PL-1001 and FR-PL-1002.
 - 2) The outbuilding hereby permitted shall not be occupied or used at any time other than for purposes ancillary to the residential use of the dwelling known as 9 Donnington Road, Harrow HA3 0NB.

Procedural Matter

2. The development is already in place. Therefore in relation to the description of development, I do not use the terms 'erection of' and 'construction of' within my decision.
 3. Since the Council determined the planning application, the Development Management Policies document (2016) (DMP) has been adopted. The Council confirms that the Unitary Development Plan (2004) policies BE2 and BE9 referred to in the Council's decision have now been superseded and reference should now be made to DMP Policies DMP 1 and DMP 18. I therefore refer in this decision to relevant policy in the DMP as well as the Core Strategy (2010) (CS).
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Main Issues

4. The main issues are:

- The effect of the development on the character and appearance of the surrounding area; and
- The effect of the development on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

5. The appeal property is a two storey detached dwelling located in a residential area. The rear garden directly backs onto Woodcock Park, a large public open space. The house and neighbouring dwellings are situated above the rear gardens due to ground level changes. I saw on my site visit that the rear gardens are of a generous size.
6. The development consists of a single storey flat roofed outbuilding and sheltered barbecue area adjacent to the rear boundary of the rear garden. This structure extends the full width of the garden with a maximum height of 2.7m. There is also a separate circular seating area in front of the barbecue area with a maximum height of 3.2m.
7. Policy CP17 of the CS seeks to protect the suburban character of the Borough from inappropriate development. It specifically states that development of garden space with out-of-scale buildings that do not respect the settings of the existing dwellings will not be acceptable.
8. Policy DMP 1 of the DMP includes seeking development that due to its use, siting, layout, scale, type, and design, provides high levels of internal and external amenity and complements the locality. DMP Policy DMP 18 advocates that planning permission for outbuildings will only be granted if it is not used as residential accommodation and does not increase the occupation of the dwelling.
9. I note the Council's concerns about the size of the development's footprint and its height and width. The outbuilding and sheltered barbecue area together extend the full width of the rear garden. I recognise that outbuildings in neighbouring gardens do not extend to the same extent. Nevertheless on my site visit I saw that the outbuilding and sheltered barbecue area are broadly similar in height and depth to these existing buildings. Whilst the roof of the separate seating area is taller, the overall modest size of this structure together with its location to the side of the garden does not result in it being overly prominent.
10. In addition the barbecue and seating areas have partially open sides and there is a significant separation distance between the development and the main dwelling with a generous amount of open garden area in-between. Overall I therefore consider that the development does not appear excessive in scale when viewed within the context of the host dwelling and the surrounding area.
11. As part of the reason for refusal, the Council suggests that the inclusion of a shower, toilet and fireplace within the outbuilding results in an intensity of use which is detrimental to the suburban character of the area. Whilst I appreciate

the Council's concerns about the potential for the outbuilding to be used as primary living accommodation, the appellant clearly states in his application and appeal evidence that the development is for a gym and is only for use by his family. On the day of my site visit I saw no signs that the outbuilding was being used as additional residential accommodation, indeed it was being used partially for storage. Furthermore I consider that this issue can be adequately dealt with by imposing a suitably worded condition should the appeal be allowed. This condition would ensure that the outbuilding is only used for purposes ancillary to the use of the main dwelling. On this basis the character of the area is not adversely affected by the development.

12. Taking all the above factors into account I consider that the size, bulk and mass of the development is acceptable and is not out of keeping with the existing suburban character. Consequently, for the reasons set out above, I conclude that the appeal development does not result in material harm to the character and appearance of the surrounding area. As such the development complies with CS Policy CP17 and DMP Policies DMP 1 and DMP 18.

Living conditions

13. In addition to the effect on local character, the Council suggests that the inclusion of a shower, toilet and fireplace within the outbuilding results in an intensity of use which is detrimental to the living conditions of adjoining residential occupiers. I have already concluded that as a condition could be imposed on any planning permission restricting use of the outbuilding for purposes ancillary to the use of the main dwelling, there is no material harm to character and appearance. Consequently it also follows that the living conditions of neighbouring residents are not prejudiced in this regard.
14. Whilst not a reason for refusal the Council has also raised other concerns about the impact of the development in relation to its effect on neighbouring residents. I saw on my site visit that the roof of the sheltered seating area projects above the height of the shared garden fence with No 7 Donnington Road. However, due to its tapering roof design, distance from the house and the presence of existing tall vegetation alongside the boundary, I consider the roof is not overly prominent and the view for the occupiers of No 7 is not unacceptable.
15. Whilst I also note that the outbuilding roof is higher than the shared boundary fence with No 11, I do not consider that the amount of development visible is significant, due to the flat-roofed design of the structure, its location to the rear of the garden and the intervening open garden spaces.
16. Overall therefore, I do not consider that the development is unduly intrusive or overbearing for the occupiers of No 7 or No 11. As such it does not have an unacceptable impact on their existing living conditions. Consequently for these reasons, I conclude that the development does not result in material harm to the living conditions of the occupiers of neighbouring properties. As such the development complies with DMP Policies DMP1 and DMP 18.

Conditions

17. As the development is already built I do not include the Council's suggested conditions on timeframe and matching materials. I do however specify the approved plans within my decision to ensure certainty. I also impose a

condition relating to ancillary use of the outbuilding in the interests of protecting the established suburban character of the area and the living conditions of neighbouring residents.

Conclusion

18. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be allowed.

Y Wright

INSPECTOR