
Appeal Decision

Site visit made on 26 October 2017

by G Powys Jones MSc FRTPI

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

Decision date: 9 November 2017

Appeal Ref: APP/F5540/D/17/3181696
9 West View, Feltham, London, TW14 8PP

- 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 & Mrs Hemchandra & Rashmi Dave against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01192/9/P1, dated 30 March 2017, was refused by notice dated 10 July 2017.
 - The development proposed is the erection of an ancillary granny annexe.
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Decision

1. I allow the appeal, and grant planning permission for an ancillary granny annexe at 9 West View, Feltham, London, TW14 8PP in accordance with the terms of the application, Ref 01192/9/P1, dated 30 March 2017, subject to the conditions set out in the attached Schedule.

Main issues

2. The main issues are: (a) the compatibility of the proposal with policy SC1 of the Borough's Local Plan (LP) directed to Housing Growth; (b) the effect of the proposal on neighbouring living conditions with reference to visual impact, noise and disturbance, and (c) the adequacy of the annexe's internal space standards.

Reasons

LP policy Policy SC1

3. This policy provides, in part, that the Borough's future housing growth will be achieved in a variety of ways but a presumption against the development of self contained residential units within the curtilage of existing dwellings will be maintained where the proposal would be in conflict with other policies of the plan.
4. The appellants, who are husband and wife, propose erecting an outbuilding in the rear garden of their semi-detached bungalow, which would contain living accommodation. In a statement signed by both they say:

'The proposed Granny Annexe development is solely for the use by me and my wife Mrs. Rashmi Dave. The annexe is an ancillary to the main house and therefore it is not for renting, letting, leasing or any type of occupation by a third party. Cooking and dining will be carried out in the main residence which is currently being used by our son.'

5. The appellants maintain that the use of the annexe would be ancillary to the main dwelling with strong functional links between them. It is intended that the occupant will be regularly preparing and eating meals in the main dwelling, watching television/relaxing, and all laundry will be undertaken using existing household facilities. The ancillary nature of the proposed accommodation is such that there would be no separate address, utility meters, garden area, or vehicular access.
6. The Council's officer report on the application says:

The submitted plans show that the outbuilding would contain a bedroom, shower room, lounge and kitchenette. The outbuilding would have all the facilities to be used as a separate self-contained residential unit without having to use any facilities of the main house. Furthermore there is separate access available either from the rear gate or side gate, which would negate the need to access the rear garden from within the house.

Although any approval could be subject to conditions restricting the use of the outbuilding there would be nothing to stop the applicants (although related to the main house occupant) using the outbuilding as self-contained accommodation given the presence of all necessary facilities. This would make any condition difficult to enforce. The presence of these facilities coupled with the separate access would give rise to the capability of the outbuilding to be used as a separate unit severing its ancillary function.
7. It appears to me however that the Council has failed to take sufficient account of case law referred to by the appellants. In my view, the judgement in *Uttlesford District Council v Secretary of State for the Environment and White [1992]* remains relevant in that it was found that, even if accommodation provides facilities for independent day-to-day living, it would not necessarily become a separate planning unit from the main dwelling, or an independent dwelling; that would be a matter to decide on a factual basis.
8. The nature and extent of the accommodation proposed is, in my experience, what could be reasonably expected to find in a purpose-built granny-annexe. That pedestrian accesses exist to the side and rear of the property serving the extant property is not unusual in many dwellings, and there is no justifiable reason to suppose that their presence would lead to or encourage the creation of a separate dwelling in the garden.
9. The relationship between the main dwelling and the granny-annexe need not, to my mind, be wholly symbiotic since the occupants of both buildings could reasonably expect a degree of independence. The Council's concerns as to physical or functional severance could be appropriately addressed by a condition of the type proposed by the appellant and exemplified in the saved annexe to *Circular 11/95: The use of conditions in planning permissions*.
10. I do not share the Council's stance that such a condition would be difficult to enforce. In my experience, many local planning authorities, where such conditions or other occupancy conditions have been imposed have set in motion systems of periodic checking, which appear to work effectively.
11. I therefore conclude that the proposal, which involves the creation of a granny-annexe ancillary to the host property as opposed to a self-contained independent dwelling, does not conflict with those provisions of LP Policy SC1 referred to by the Council.

Living conditions

12. The proposed building, in terms of its length, breadth and height resembles that of many outbuildings found in back gardens. It would be sited at the bottom of the garden next to a high fence. This and other vegetation on the boundary would effectively screen most of the annexe from the view, at ground level, of the adjacent neighbours at No 10. Having regard to what I saw during my site visit, I do not share the Council's assertions on adverse visual impact.
13. Similarly, I do not share the Council's assertions on a possible noise or disturbance nuisance arising. The applicants are relatively elderly, and there is no evidence that they intend to act anti-socially. The day-to-day to-ing and fro-ing normally associated with a granny annexe should cause no offence whatsoever to any neighbour.
14. I conclude that the proposed annexe would not harm the living conditions of any neighbouring resident by reason of visual impact or noise & disturbance. Although not conclusive in my deliberations, my view on this aspect is reinforced by the fact that not a single neighbour objected to the proposal when consulted at application stage. Accordingly, I find no conflict with those provisions of LP policies CC2 & SC7 directed to ensure that development, including residential extensions and outbuildings, is designed so as to minimise harm to the amenities of neighbouring residents.

Internal space standards

15. The Council's justification for its third reason for refusal is as follows:

London Plan policy 3.5 refers to the nationally described space standards for new residential units and states that a one bedroom two person single storey dwelling should measure at least 50sq.m of internal floorspace. The proposed granny annex would measure 24sq.m and therefore would be less than half the minimum standards. Although this annex would be used in conjunction with the main house it is stated that cooking and dining would happen in the main house, it nevertheless contains all the required facilities for a dwelling. It is therefore considered that the annex would provide cramped and substandard living accommodation.

16. Given my conclusions on the first main issue, I do not share the Council's view that this proposal should be treated as an independent dwelling. Clearly, it is an annexe that is sought. The application of the standards comprised within London Plan policy 3.5 is therefore misplaced.

Conditions

17. Since the Design and Access Statement and plans show that the external walls of the annexe will be rendered, the Council's proposed condition relating to materials is considered unnecessary.
18. The Council's additional condition designed to control the insertion of additional openings is justified in the interests of neighbouring privacy, and shall be imposed.
19. It is necessary that the development be built in accordance with the approved plans in the interests of certainty.
20. Finally, I note that the Council does not propose a condition limiting the occupation of the annexe. I consider the type of condition suggested by the

appellants to be necessary in the interests of certainty, otherwise there is a prospect that the annexe could be used as a fully independent dwelling.

Other matters

21. All other matters raised in the representations have been taken into account, including the references made by both parties to other appeal decisions and to the Council's Supplementary Planning Guidance on House Extensions (2003). However, I have dealt with this appeal, as required, on its individual merits. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 0442-03-17/01A; 02A; 03A & 04A.
3. No additional windows or other glazed openings shall be formed in the side or rear walls of the granny-annexe hereby approved and no additional doors shall be inserted in the building without the prior written consent of the Local Planning Authority.
4. The granny-annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 9 West View, Feltham.