
Appeal Decision

Site visit made on 2 July 2019

by Martin Small, BA (Hons), BPI, DipCM, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th August 2019

Appeal Ref: APP/F5540/D/19/3222906

51 Grove Crescent, Feltham, TW13 6NB

- 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 Kanda against the decision of the Council of the London Borough of Hounslow.
 - The application Ref: 00524/51/P6 dated 9 December 2018, was refused by notice dated 4 February 2019.
 - The development proposed is erection of outbuilding in rear garden.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I saw at my site visit that construction works had commenced on site. The appeal proposal is therefore partly retrospective, and I have assessed it accordingly and on the basis of the plans and evidence before me.

Main Issues

3. The main issues are the effects of the proposed development on i) the character and appearance of the surrounding area and ii) the living conditions of the occupiers of neighbouring properties, with particular regard to outlook.

Reasons

Character and appearance

4. The proposed development would be located in an area where the rear gardens of numerous properties converge. Many of these contain outbuildings, but whereas there are some large outbuildings in the rear gardens of properties on Swan Road, outbuildings in the rear gardens of nearby properties on Grove Crescent are smaller and less substantial than the proposed development.
5. The Council's adopted Residential Extension Guidelines explain that an acceptable footprint size for an outbuilding would depend on the scale of the garden area of the property, but it would need to appear clearly subservient to the host dwelling. Although the rear garden of the appeal property is long, the proposed development would be a substantial building with a significantly greater footprint than the existing dwelling and thus not subservient to it.
6. Furthermore, the proposed development would dominate the end of the garden of the appeal property and extend across the full width of the garden, leaving

no room for softening its impact with appropriate boundary treatment. I acknowledge that existing planting in the rear gardens around the site would provide partial screening of the proposed development from nearby properties. However, I still consider that, due to its size and location, the proposed development would be intrusive. It would be out of keeping with and harmful to the character and appearance of this area.

7. Therefore, the proposed development would be contrary to Policies CC1, CC2 and SC7 of the Hounslow Local Plan 2015-2030 (2015) (HLP), which in combination seek to protect the character and appearance of the area, and the Residential Extension Guidelines.

Living conditions

8. The proposed development would extend across a significant proportion of the rear boundaries of 37 and 43 Grove Crescent. Given the dimensions of the proposed development it would present a substantial extent of solid built form when viewed from these properties. I consider that it would be particularly harmful to the outlook of the occupiers of No. 37 due to the orientation of the rear garden of that property directly towards the proposed development and its proximity to the rear elevation of that dwelling, notwithstanding the intervening planting. Accordingly, the proposed development would be contrary to Policies CC2 and SC7 of the HLP which seek to protect the living conditions of neighbouring residents.
9. Objections were raised by the occupiers of 53 Grove Crescent to the proposed development on grounds including loss of outlook and infringement of privacy due to overlooking from the proposed building to windows in the rear elevation of No. 53. The proposed development would result in a modest loss of outlook from the rear of No. 53. However, the proposed development would be single storey thus reducing the potential for overlooking and I consider that the incidental use of the building would not result in material harm to the privacy of the occupiers of No. 53. I turn to the matter of the use of the building below.
10. The Council adopted Residential Extension Guidelines as a Supplementary Planning Document in 2017. The Guidelines were subject to public consultation and I therefore give them significant weight. The Guidelines explain that an outbuilding should only be used in a manner incidental to the main house and that any application that has been designed in a way that may facilitate future use as an independent residential unit is likely to be refused due to potential impact on neighbours. The proposed development would have four rooms, and submitted drawing PL-001 shows a bathroom, which the Guidelines specifically indicate will not usually be allowed in an outbuilding.
11. I note the concerns of the Council, the Heston Residents' Association and the occupiers of 53 Grove Crescent regarding the potential for the building to be occupied independently of the host dwelling. However, had I been minded to allow this appeal, a condition could have been imposed to control the future use of the proposed development in order to protect the living conditions of the occupiers of the neighbouring properties. I find no conflict with Policy CC1 of the HLP as it does not expressly seek to protect living conditions. Nevertheless, this does not outweigh the conflict with Policies CC2 and SC7 of the HLP I identify above.

Other matters

12. I have had regard to the existence of other large outbuildings in the vicinity of the appeal site, but full details of those other developments have not been provided. In any event, I have to consider this appeal on its own merits based on the circumstances of the site and the proposals before me.
13. An objection was raised to the proposed development by the occupiers of 53 Grove Crescent on the grounds of the restriction of access for emergency services. However, no objection was raised to the application by the emergency services and the Council did not identify this restriction as a reason for refusal.

Conclusion

14. For the reasons given above, and having regard to the other matters raised, I conclude that the appeal should be dismissed.

Martin Small

INSPECTOR