
Appeal Decision

Site visit made 5 August 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/M5450/D/19/3231508

118 Locket Road, Wealdstone, Harrow HA3 7NR

- 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 Shamani Fernando against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/1682/19 dated 8 April 2019, was refused by notice dated 3 June 2019.
 - The development proposed is to convert outbuilding/garage to granny annex
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of the outbuilding/garage to a granny annex at 118 Locket Road, Wealdstone, Harrow HA3 7NR in accordance with the terms of the application, ref P/1682/19, dated 8 April 2019 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL984.1 Rev A; PL984.2 Rev A; PL984.3 Rev A; PL984.4 Rev A; PL984.5 Rev A; PL984.6 Rev A; PL984.7 Rev A; PL984.8 Rev A and PL984.9 Rev A.
 - 3) The development hereby permitted shall be occupied solely as residential accommodation ancillary to the occupation of 118 Locket Road and shall at no time be occupied as an independent dwelling.

Main Issues

2. The main issue is whether the proposed development would comprise garden land development for primary residential accommodation.

Reasons

3. The appeal property is a semi-detached house which has been extended to the rear. The neighbouring unattached house and the appeal property would at one time have shared a drive giving access to a garage at the end of the garden of the appeal property. The neighbouring property has been extended to the side so that it is now not possible to access the garage with a vehicle. The garage is

the full width of the plot and is currently used for domestic storage ancillary to the house.

4. Paragraph 70 of the National Planning Policy Framework 2019 (the Framework) deals with windfall housing sites and states that "plans should consider... policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area". Policy 3.5 of the London Plan 2016 acknowledges the importance of back gardens in the environment and confirms that Boroughs may introduce a presumption against development in residential gardens.
5. The Council has a spatial strategy which seeks to direct development proposals to certain specified areas. The Harrow Council Core Strategy 2012 (CS) implements the spatial strategy and in particular, Core Policy CS1.B resists garden development on the basis that such proposals could lead to unmanaged and incremental growth which would undermine the spatial strategy.
6. The Council has adopted the Supplementary Planning Document; Garden Land Development 2013 (SPD) in support of Policy CS1.B and the spatial strategy. The appeal site is not within the specified areas named in the spatial strategy but does fall within the definition of garden land in the SPD at paragraph 3.2 because the garage is an outbuilding in the garden of a residential unit. Paragraph 3.5(c) defines garden land development as "the ... conversion of domestic outbuildings for use as independent dwellings."
7. Paragraph 3.6 of the SPD lists development which is not to be taken as garden land development. This includes "householder development such as ... ancillary domestic buildings".
8. The proposed conversion of the garage would comprise a living room, bedroom and bathroom. As there will be no kitchen facilities, the appellant considers that the use of the converted garage would remain ancillary to the main house and would not be capable of being an independent residential unit. The Council considers that the use would be "primarily for separate residential occupancy" but would not be a "granny annexe".
9. However, without even basic facilities for food preparation, cooking and cleaning, the proposed development would be an annexe in the sense that it could be occupied as ancillary accommodation to the house. I do not consider that the garage would be suitable for separate and independent occupation due to its location in the rear garden of the dwelling, the lack of a separate access and lack of facilities. Moreover, a suitable condition could be imposed which limits the occupation of the converted garage, which I consider below.
10. I have found that the appeal proposal would not result in an independent dwelling but a building that would be used as ancillary accommodation to the main dwelling which would not cause harm to the character of the surrounding area. For that reason, it does not comprise garden land development within the meaning set out in the SPD. Therefore, the proposed development would not conflict with paragraph 3.5A of the London Plan 2016, Policies CS1.1A and CS.1B of the CS, the SPD or the Framework which amongst other things, seek to prevent development of private residential gardens where such development would harm the character of the area and to direct residential development to specified locations.

Other Matters

11. I have considered the two appeal decisions referred to by the Council. In both cases the appeals dealt with proposals for primary residential accommodation and not ancillary accommodation which is the case before me. As a result, I do not consider that either appeal case is comparable to the circumstances in the current appeal which I have considered on its own merits.

Conditions

12. I have considered the suggested conditions in accordance with the advice within the Planning Practice Guidance and the Framework. In addition to the standard time condition, it is necessary for certainty to define the plans with which the scheme should accord.
13. The appellant has also suggested an additional condition to restrict the occupation of the garage to that ancillary to the occupation of 118 Locket Road. The Council will have seen that document and had the opportunity to comment on the proposed condition. As I have found that the occupation of the garage as primary independent residential accommodation would be unacceptable because of the lack of facilities, a restrictive condition on occupation is necessary and I have imposed condition three for that reason.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed.

Jan Hebblethwaite

INSPECTOR