
Appeal Decision

Site visit made on 11 February 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/T5150/D/19/3238642

342 Preston Road, Harrow HA3 0QJ

- 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 Kishore Bbahl against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/2146, dated 14 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is the demolition of garage and build a sports room at the rear of the garden.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and to build a sports room at the rear of the garden at 342 Preston Road, Harrow HA3 0QJ in accordance with the terms of the application, Ref 19/2146, dated 14 June 2019, 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: Location Map (1:1250) and FUL-01.
 - 3) The development shall only be carried out in accordance with the details submitted within the Tree Survey Report and Tree Site Plan by Thomas Bevan (Acornarb), dated June 2019. No alterations or variations to the details shall be made without the prior written consent of the local planning authority.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at 342 Preston Road.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the size and use of the development would be appropriate.

Reasons for the Recommendation

4. The appeal site is occupied by a two-storey semi-detached dwelling with two detached garage outbuildings to the rear. There is currently vehicular access from these garages onto the adjacent Toley Avenue, via a timber gate, with hardstanding to the front of the garages. The proposal includes the demolition of these two garages and replacement with a single-storey, flat roof outbuilding to be used as a sports room with a WC.
5. In terms of floorspace, The Supplementary Planning Document 2 - Residential Extensions Design Guide (2018) (SPD) states that if the garden is more than 100m² then normally outbuildings no larger than 30m² may be acceptable. The Council have stated that the proposed outbuilding would have an external floorspace of 45.8m² which would therefore be in excess of the SPD guidelines. However, the proposed outbuilding would have a similar floor space and overall size as the two existing garages and would not appear overly large within the spacious rear garden of the appeal property. Furthermore, I do not consider its size, comparable to two garages, would necessarily lend itself to separate residential accommodation.
6. The SPD also states that outbuildings should not include any forms of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets or kitchens. Although the proposal does include a WC, it is considered reasonable that users of a sports room or gym may require the use of toilet facilities, bearing in mind its distance from the main house. Therefore, I consider the outbuilding could still be considered incidental to the main dwelling and would not constitute separate accommodation.
7. Moreover, the Council have suggested a condition preventing the building from being used other than as ancillary to the main house. As a result the development would be of an appropriate size and use such that it would be incidental to the main dwelling and so and would not be contrary to Policy DMP18 of the Brent Development Management Policies (November 2016) which seeks to prevent outbuildings for residential accommodation being granted planning permission.
8. As set out above, the proposed development would not accord with the guidelines set out within the Supplementary Planning Document 2 - Residential Extensions Design Guide (2018). Nonetheless, whilst useful, the guidelines are just that and, in this instance, the particular circumstances of the case would outweigh this guidance.

Other Matters

9. Concerns were raised by a third party during the planning application stage regarding the use of the proposed outbuilding as residential accommodation, and the impact of such a use in terms of their privacy, setting a precedent, traffic generation, noise and disturbance. However, as the proposal is for an ancillary sports room and this use can be controlled by a condition, these concerns carry little weight.

Conditions

10. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty. A condition requiring the use of

materials matching that of the existing building was requested by the Council. However, as the proposed development is a new outbuilding, this is not considered to be necessary.

11. The Council have also suggested a condition to ensure that the works are carried out in accordance with the arboricultural method statement and tree protection plan. This is considered necessary to protect the current trees on the appeal site and therefore has been included in the decision.
12. As set out above, a condition was suggested by the Council to ensure that the outbuilding is used for purposes incidental to the use of the main dwelling. I have imposed this, with slightly amended wording to reflect the advice in the Planning Practice Guidance, in the interests of protecting the amenities of neighbouring occupiers.

Conclusions and Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR