
Appeal Decision

Site visit made on 11 August 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/T5150/D/20/3246324
85 Sunnymead Road, London NW9 8BS

- 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 Pratheepkumar against the decision of the Council of the London Borough of Brent.
 - The application Ref 19/3683, dated 16 October 2019, was refused by notice dated 26 November 2019.
 - The development proposed is described as 'Demolition of garage and build a gym room'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of garage and build a gym room at 85 Sunnymead Road, London NW9 8BS in accordance with the terms of the application Ref 19/3683 dated 16 October 2019, subject to the following 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: Location Plan & FUL-01A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used on the existing dwelling.
 - 4) The building hereby permitted shall not contain a kitchen, toilet or shower room and shall not be occupied at any time other than for purposes incidental to the residential use of the dwelling known as 85 Sunnymead Road, London NW9 8BS.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. The former adequately describes the proposal and I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the outbuilding could be considered incidental to the main dwellinghouse with particular regard to its size.

Reasons

4. The immediate area is residential in nature, consisting of terraced properties with gardens of a good depth. Mainly single storey structures of various sizes and

designs are located at the end of many of the gardens. This is the case at the appeal property, where an existing garage of similar footprint to that proposed occupies the northern end of the garden.

5. The SPD¹ offers guidance relating to the floorspace that would be appropriate for an outbuilding. The evidence indicates that in relation to the size of the garden at the host dwelling, a maximum size of 30m² may be acceptable. The guidance is also concerned that outbuildings should be incidental to the main dwelling. The plans indicate that the building would have a floor area of just over 30m². When accounting for the footprint of the building as a whole, it would represent a further very slight increase above the size advised by the guidance.
6. The building is proposed as a gym room. There is nothing within the evidence to suggest another use that would not be incidental to the main dwellinghouse. The size of the building would be in keeping with the proposed use as a gym room and the WC that was included as part of a previous proposal has been removed in line with guidance within the SPD. The size of the building would not be significantly greater than that existing and would be in keeping with the prevailing character of the area. Therefore, despite the slight breach of the guidance within the SPD, the proposal, within this context would be acceptable.
7. I have no reason to consider that the proposal would not be incidental to the use of the dwellinghouse with particular regard to its size. The proposal would therefore accord with Policy CP17 of the Brent Core Strategy (2010) which states amongst other things that development of garden space with out of scale buildings will not be acceptable and Policy DMP1 of the Brent Development Management Policies (2016) which amongst other things requires that development shall be of a location and scale that complements the locality.

Other Matters

8. The proposed building would be located at the far end of the garden. It would not be of significant height, and further, the neighbouring garden to the west also has an outbuilding located at the end of their garden. As a result, I have not identified any significant adverse impact on the living conditions of neighbouring occupiers.

Conditions

9. Planning permission is granted subject to the standard three-year time limit. It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. A condition requiring matching materials is necessary in the interests of the character and appearance of the area. A condition restricting the use of the building is necessary to ensure that it would be incidental to the main dwelling in line with SPD guidance on outbuildings.

Conclusion

10. For the reasons set out above, I conclude that the appeal should be allowed subject to the conditions.

T J Burnham

INSPECTOR

¹ Brent Residential Extensions & Alterations SPD2 (2018)