
Appeal Decision

Site visit made on 14 December 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2021

Appeal Ref: APP/M5450/W/20/3255731

11 Adelaide Close HA7 3EL & 5 Aylmer Drive HA7 3EJ, Stanmore, London

- 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 J Shah against the decision of the Council of the London Borough of Harrow.
 - The application Ref P/5043/19, dated 12 December 2019, was refused by notice dated 19 June 2020.
 - The development proposed is for the erection of an ancillary domestic building to be used as a gym in connection with both 11 Adelaide Close and 5 Aylmer Drive.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an ancillary domestic building to be used as a gym at 11 Adelaide Close HA7 3EL & 5 Aylmer Drive, Stanmore, London HA7 3EJ, in accordance with the terms of the application, Ref P/5043/19, dated 12 December 2019, subject to condition:
 1. The development hereby permitted shall be completed in accordance with the following approved plans: ADE1007; ADE1001; ADE1002; ADE1003; ADE1004; ADE1006; and ADE1008.

Main Issues

2. The main issues are the effects of the development on both the character and appearance of the area and the visual amenities/living conditions of neighbours.

Reasons

3. The proposed ancillary building is shared between both dwellings and is already almost fully constructed, as I observed on site. The building would be used as a gym and recreation area. It is positioned towards the rear end of the gardens to both properties and would not be readily visible from the public realm.
4. In this location, the visual impact of the building is minimal. Furthermore, it is a low profile single storey structure which makes it more inconspicuous within its surroundings. Although a large outbuilding, it is set within large residential plots and would not result in any form of overdevelopment and has a minimal effect to the openness of this residential area. Furthermore, whilst it does not appear typical of most outbuildings, it is of an appropriate appearance with suitable materials for an outbuilding in this location, being set away from the existing houses nearby.

5. Furthermore, whilst large, I do not consider it of a scale that could not be considered as ancillary to the main dwelling houses, especially as it is to be shared between the occupants of two separate dwellings. The building is proposed for an ancillary use and its scale is not such that I have any reason to doubt its future use. As such, I have not considered the proposal as tantamount to a new dwelling or a building to be used for primary living accommodation.
6. The building is visible from some neighbouring properties, including No 14 Old Forge Road, but it is not of a scale or height that would appear dominating or overbearing from these other properties. Being single storey, it does not result in overshadowing or any potential overlooking impacts to any significant extent. Furthermore, there is no substantive evidence to conclude that the use of the outbuilding would result in noise and disturbance nuisance for neighbours, or have any other impact to the living conditions of neighbours. Indeed, I have considered all the comments raised by interested parties but these do not lead me to a different decision on the proposal and the issues before me.
7. Overall, the design and scale are suitable for an ancillary outbuilding and would have no harm to the character and appearance of this residential area, or neighbour living conditions. The proposal therefore accords with policies 7.4 B and 7.6 B of The London Plan (2016), Core Policy CS1 (B) of the Harrow Core Strategy (2012), and policy DM 1 of the Harrow Development Management Policies Local Plan (2013). These policies require development to have regard to the form, function, and structure of an area, place or street and the scale, mass and orientation of surrounding buildings, respond positively to the local context in terms of design, siting, density and spacing, and avoid detrimental impacts to the privacy and amenity of neighbouring occupiers amongst other things. Furthermore, the proposal is in general accordance with the adopted Supplementary Planning Document - Residential Design Guide (2010).
8. It is recognised that there have been previous refusals of this outbuilding in the past and the reasons for refusal and the objections from neighbours submitted with this appeal have been taken into consideration. However, I have come to this decision based on the evidence before me and what I observed on site. With regards to precedence, each case should be considered on its own merit should any other outbuilding be proposed in this area in the future.

Conditions

9. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the National Planning Policy Framework.
10. I have not included a condition for the development to be implemented in accordance with the plans as it is already mostly constructed on site. However, as it is not clear whether the outbuilding has been completed a condition that the development be completed in accordance with the approved plans can be included.
11. Furthermore, I have not included the condition to restrict permitted development rights for both the associated properties as there is not the exceptional circumstances that would necessitate such a condition. I have concluded that the development as built on site is in accordance with policy

without any harm, being mindful of the permitted development allowances that would remain. As such, I do not regard it as reasonable or necessary to restrict the permitted development rights following the allowing of this appeal.

12. I have concluded that the proposal before me is an ancillary outbuilding only and does not result in a material change of use that results in a new dwelling or a commercial building, for example. That being the case and on the basis of the information before me I am satisfied that a condition would not therefore be necessary to ensure that the building shall remain an ancillary outbuilding in this case as the establishment of a separate dwelling or a commercial use would create a new planning unit, result in a material change of use and would therefore require planning permission of its own right, should it occur in the future. This would give the Council control. What is proposed in this appeal is not a new planning unit, but an ancillary outbuilding only, for use by those at either/both 11 Adelaide Close and 5 Aylmer Drive.

Conclusion

13. For the reasons outlined above, and in considering all matters raised, the appeal should be allowed, subject to the above condition.

Steven Rennie

INSPECTOR