



Appeal Decision

Site Visit made on 23 February 2021

by R E Jones BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal Ref: APP/F5540/D/20/3263161

34 Kings Avenue, Hounslow TW3 4BL

- 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 Freddy Ramirez against the decision of London Borough of Hounslow.
 - The application Ref 00662/34/P3, dated 12 August 2020, was refused by notice dated 20 October 2020.
 - The development proposed is garden office/gym, brick/block, steel construction with gable ends and front canopy clad in pine timber.
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Decision

1. The appeal is allowed and planning permission is granted for garden office/gym, brick/block, steel construction with gable ends and front canopy clad in pine timber at 34 Kings Avenue, Hounslow TW3 4BL in accordance with the terms of the application, Ref 00662/34/P3, dated 12 August 2020, and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved drawing numbers: DE/DG 01; DE/DG 02 and TQRQM20219124715301.
 - 2) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as No 34 Kings Avenue, Hounslow TW3 4BL.

Preliminary Matters

2. The description of development in the banner heading and decision above, has been taken from the application form. This differs to that used in the Council's decision notice, yet the description I have used accurately describes the development sought.
3. The application was retrospective, and I saw that the building had already been erected and was substantially complete externally.

Main Issues

4. The main issues in this appeal are; (i) the effect of the development on the character and appearance of the host dwelling and surrounding area, and (ii) the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property comprises a semi-detached dwelling with a long rear garden, located amongst similarly arranged dwellings. The rear gardens in the immediate area are relatively open and undeveloped, with occasional outbuildings of modest proportions occupying the garden land and seen partially rising above property fences and walls. Mature trees are prevalent along boundaries and within gardens and collectively create an attractive setting at the rear of Kings Avenue.
6. The outbuilding is sited at the end of the garden and extends across most of the garden's width. With a length of around 8m and maximum height of just over 4m, the outbuilding represents a large structure. However, in comparison to the host dwelling, which has been subject to a number of additions, the proposal is much smaller in terms of its massing and height and will accordingly be subordinate in this regard.
7. The appeal building's lower half will be partially obscured from surrounding properties by the existing boundary fencing, while the roof will taper towards its ridge line to the extent that the structure will not appear substantial in scale or intrusive, when viewed from surrounding properties. Moreover, the existing garden trees in the immediate locality will screen and filter views of the structure to some extent, thereby limiting its prominence. It is also well separated from other dwellings.
8. It is acknowledged that the appeal development's larger scale, is not typical of neighbouring garden buildings, yet, it will not appear unacceptably harmful to the character and appearance of the surrounding area, nor to the host dwelling. Consequently, the development complies with Policies CC1, CC2 and SC7 of the Hounslow Local Plan (Local Plan), adopted in 2015, insofar as they deal with protecting an area's character and having regard to its context.

Living conditions

9. The appeal development is positioned close to the rear gardens of Nos 32 and 36 Kings Avenue. The building's considerable length runs along the common boundary with these neighbouring dwellings. However, the development has eaves that only marginally rise above the boundary enclosures and a roof that tapers away from those neighbouring gardens. From these spaces, the building's roof formation does not appear overbearing or unduly imposing to the extent that the outlook of those occupiers will be harmed. Furthermore, the appeal building's location at the rear of the host property's garden, is an appreciable distance away from windows and the likely areas for outdoor seating belonging to Nos 32 and 36. As such their main direction of outlook towards the rear is not significantly affected.
10. The properties to the rear of the development (Nos 3 and 4 Brackendale Close (Nos 3 and 4)) are at a higher land level, and separated from the appeal dwelling by a retaining wall with fence above. This boundary structure is tall and screens a large proportion of the development, to the extent that it exposes only the upper portion of the building's pitched roof. This will not appear imposing or enclose those neighbouring garden areas to an

unacceptable degree. Consequently, the living conditions of Nos 3 and 4 will not be harmed.

11. Despite some marginal technical breaches of the advice within the Council's Supplementary Planning Document¹ in terms of the development's height, the specific circumstances of this appeal mean that I have not found there to be any harm to the living conditions of neighbouring occupiers, with particular regard to their outlook. It will accord with Policies CC2 and SC7 of the Local Plan, where they require proposals to minimise harm to the amenity of current and future residents.

Other Matters

12. Third party concerns relate to the building being used as a separate residential dwelling, yet, there was no evidence of this use being carried on during my site visit. Nevertheless, a condition can be imposed to ensure that the outbuilding remains ancillary to the main dwelling.
13. Concerns have been raised regarding local parking conditions, however, the Council considered that the development will not affect demand for spaces locally. I have no reason to disagree with them on this matter.
14. There are also concerns with regard to the potential for a further storey of accommodation being built above the outbuilding. The assessment of such a scheme is not a matter for me to consider in this appeal.

Conditions

15. As the development has already taken place, there is no requirement for a condition relating to timescales. I have included a plans condition in the interests of certainty and to ensure the development is carried out fully in accordance with the approved plans. I also consider it necessary, and in the interests of certainty, to impose a condition on restricting the use of the building to be ancillary to the main dwelling.
16. I have not included the Council's suggested materials condition as the exterior of the building is largely complete and finished in those materials indicated on the submitted plans. These are acceptable in the context of the host dwelling and the surrounding area.

Conclusion

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

RE Jones

INSPECTOR

¹ Residential Extension Guidelines, Supplementary Planning Document, adopted 20th December 2017