



Appeal Decision

Site Visit made on 10 May 2021

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 June 2021

Appeal Ref: APP/F5540/W/20/3264177

Garage to the rear of 187 Uxbridge Road, Feltham, Middlesex TW13 5EJ

- 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 Warda Developers Ltd against the decision of London Borough of Hounslow.
 - The application Ref 01145/R/O187/P1, dated 18 August 2020, was refused by notice dated 9 November 2020.
 - The development proposed is described as: 'retrospective application for the erection of a single storey semi-detached outbuilding, to replace existing garage outbuilding, for use as a private gym room'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey semi-detached outbuilding, to replace existing garage outbuilding, for use as private gym at garage to rear of 187 Uxbridge Road, Feltham Middlesex TW13 5EJ, in accordance with the terms of the application, Ref 01145/R/O187/P1, dated 18 August 2020, and subject to the following conditions:
 - 1) No additional doors shall be inserted, and no additional windows or other glazed openings shall be formed in the walls of the building hereby approved.
 - 2) The development hereby permitted shall be used for a gym and shall not be used as primary living accommodation such as a bedroom, bathroom, kitchen, living room or for business purposes.

Preliminary Matters

2. The Council indicates that the submitted drawings are inaccurate, but as the measurements are annotated this was sufficient to assess the application. I have also assessed the scheme in the same way.
3. At the time of my site visit, I saw the development had commenced and was substantially complete. I also note that the application has been submitted retrospectively. I have therefore assessed the appeal on this basis.
4. In my decision above, I have amended the description of development to remove superfluous wording. Neither party has been prejudiced by my approach.

Main Issues

5. The main issues are:

- i) the effect of the development on the character and appearance of the surrounding area; and
- ii) the effect of the development on the living conditions of nearby residents with particular reference to privacy, outlook and noise and disturbance.

Reasons

Character and appearance

- 6. The gym building comprises a single storey flat roof structure, located at the rear of No 187 Uxbridge Road (No 187) and amongst other outbuildings that line the rear access lane behind Uxbridge Road. Those buildings are primarily single storey in scale, with either flat or pitched roofs and finished in either brick or rendered walls, with tiled, felt or sheet roofing. I noted during my site visit that they are primarily in use as garages or incidental garden buildings. Although some of the outbuildings cover a large area within rear gardens, their low height, functional appearance and relatively uniform alignment along the access lane, gives the rear of this part of Uxbridge Road a consistent appearance when viewed from the surrounding area.
- 7. The gym building is positioned on a corner of the access lane where it changes direction towards Uxbridge Road. This makes it more prominent than the other buildings which tend to be more concealed and screened by their close-knit arrangement along the lane. Nonetheless, when viewed from neighbouring gardens and rear windows, the development has a comparable height to the other structures and is consistent in this regard. The development's length and width will make it one of the larger structures along the lane, however, it will not be obviously so, given that it has a comparable length to the adjoining outbuilding to the east at No 185 Uxbridge Road, and No 177 Uxbridge Road. Moreover, from wider vantage points, such as Uxbridge Road to the north and further along the south east of the access lane, its single storey scale does not particularly stand out or appear discordant amongst other structures in the area. Accordingly, the proposal is generally in keeping with the pattern and scale of buildings in the vicinity.
- 8. The development's low profile and brick exterior gives it a basic and utilitarian appearance that matches other structures in the row and in doing so preserves the visual cohesion associated with the buildings along the lane. The development's appearance is therefore acceptable.
- 9. Consequently, I am satisfied that the development will not harm the character and appearance of the surrounding area. It will accord with Policies CC1 and CC2 of the London Borough of Hounslow Local Plan – Volume 1, 2015-2030 (Local Plan), where they require proposals to respond to the characteristics, layout, massing and height of surrounding buildings.

Living conditions

- 10. The gym building adjoins the neighbouring garage at No 185 and both buildings are separated from the rear elevation of No 185, by existing garden

space. When viewed from rear windows in that property, the building's low profile, separation distance and oblique position, angled away from No 185, will not appear imposing or unacceptably enclose the space around the windows. Furthermore, the development's siting towards the rear boundary with the access lane, is set away from the part of the garden, where the most activity and use is expected to take place. Consequently, the development's scale and siting will not be particularly imposing or dominant to the extent that the outlook of occupiers at No 185 is harmed.

11. The development has an entrance door and two windows on the elevations that face the access lane. One of the windows is also orientated towards the side garden of the neighbouring property to the west, No 189 Uxbridge Road. However, a boundary fence running along the length of that garden will prevent harmful overlooking from the window into No 189's rear amenity area. There are no windows in the development directed towards the garden and rear facing windows of No 185, the adjoining property to the north east. Accordingly, there will be no unacceptable effects arising from overlooking.
12. The outbuildings along the lane are likely being used for incidental activities associated with domestic living. Many of these buildings are garages with entrances facing the lane, therefore frequent comings and goings along its length are already likely, as well as some incidental activities taking place within the buildings.
13. The gym building will be used by the appellant and his son, and from my inspection of the building's interior the space allocated for the gym area will be compatible with this level of use. Moreover, I do not envisage that the floor area and level of gym equipment, which I observed during my site visit, is designed to accommodate large groups of people at the same time. Therefore, based on the size of the gym's internal space and the anticipated level of use, I do not consider that the comings and goings to and from the development will be excessive or particularly different to the existing activity in and around the outbuildings along the lane.
14. The development has a brick exterior and cavity walls. I would expect that the fabric of the building would contain and absorb sounds associated with the use, such as general conversation and music playing from audio equipment within the building. The windows of the building are generally orientated away from neighbouring dwellings, therefore in the event that these are open during gym use, sound will be directed away from neighbouring occupiers. As such the nature of the use, combined with the building's design and layout is unlikely to result in the emission of any harmful levels of noise directed towards neighbouring occupiers. Furthermore, I have not been made aware of any formal complaints to the Council regarding noise emanating from the development.
15. In view of the above, the development will not harm the living conditions of nearby residents with particular reference to privacy, outlook and noise and disturbance. It therefore accords with Policies CC2 and E5 of the Local Plan where they require proposals to protect the amenity of nearby occupiers and be designed to minimise the effect of noise on adjacent users.

Other Matters

16. There are concerns that the development incorporates facilities that will enable it to function as a self-contained dwelling. However, during my site visit and inspection of the building, there was no evidence of a kitchen or any bedrooms within the building. Nonetheless, I am mindful that a separate dwelling could have harmful effects on the area, and in this respect a planning condition limiting the building's use to a gym will be imposed.
17. The Council has referred to a recent appeal decision at 63 Burns Way, that was dismissed. However, I have not had the full details of that case or the particulars relating to its proximity to neighbouring occupiers. That case also included a builder's store area, therefore the activity proposed at the building differed to the appeal before me. As such I consider that case is not directly comparable with the appeal before me and give this matter little weight.

Conditions

18. I have had regard to the Council's suggested conditions, amending or omitting them where necessary for clarity and to ensure compliance with the tests set out in paragraph 55 of the Framework.
19. As the development has already taken place, there is no requirement for a condition relating to timescales. There is no requirement for a plans condition as I was satisfied that the submitted drawings matched the exterior and internal lay-out of the gym building.
20. A condition limiting any further doors and windows in the building is necessary to protect neighbouring living conditions. I also consider it necessary, in the interests of certainty, character and amenity, to impose a condition restricting the use of the building to a gym.
21. I have not included the Council's suggested condition regarding sound proofing, as I am satisfied that the building's design and construction will sufficiently mitigate any unacceptable noise and disturbance emanating from the development.

Conclusion

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

R E Jones

INSPECTOR