



Appeal Decision

Site visit made on 12 October 2021 by A Coombes

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th October 2021

Appeal Ref: APP/T5150/D/21/3277348

Site Address 5 Ashcombe Park, London NW2 7QU

- 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 Shahrestani against the decision of the London Borough of Brent Council.
 - The application Ref 21/0159, dated 17 January 2021, was refused by notice dated 1 April 2021.
 - The development proposed is a single-storey rear extension together with demolition of existing outbuilding and erection of a new outbuilding to be used as a gym.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension together with demolition of existing outbuilding and erection of a new outbuilding to be used as a gym at 5 Ashcombe Park, London NW2 7QU, in accordance with the terms of the application Ref 21/0159, dated 17 January 2021 and subject to the following conditions:

- 1) The development is hereby permitted and shall begin no 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: the site location plan and drawing numbers 01 PL, 04 PL, 05 PL, 06 PL and 13 PL (dated 08/01/2021).
- 3) The outbuilding hereby approved shall not be used other than for purposes incidental to the enjoyment of the main dwelling at 5 Ashcombe Park and shall not be used for any other purpose. It shall not contain primary living accommodation such as a kitchen or bedrooms.

Appeal Procedure

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

Procedural Matters

3. The Council raised no concerns with the proposed single-storey rear extension and no cause for disagreement with this conclusion has been found. Therefore, the remainder of this report will focus on the proposed outbuilding. The application form and the Council's decision notice are both dated 1 April 2021. However, the date of the application, given in the decision notice is 17 January 2021 and that date has been used in the banner heading above.

Main Issues

4. The main issue is whether use of the proposed outbuilding would be incidental to the enjoyment of the main dwelling.

Reasons for the Recommendation

5. Ashcombe Park is a terraced, residential street. The appeal site is a two-storey property with rear dormer and sits within a narrow, long curtilage. Many of the surrounding buildings benefit from rear extensions and outbuildings. The latter of which are located at the rear of curtilages and are intrinsic to the character of the area. The proposal seeks to demolish the existing outbuilding and erect a new outbuilding, which will be used as a gym and include a shower room.
6. Policy DMP18 of the London Borough of Brent Local Plan (BLP), adopted 2016 states that planning permission will only be granted for outbuildings that will not be residential accommodation or do not support the increased occupation of a dwelling. Furthermore, the Brent Residential Extensions & Alterations SPD2, adopted 2018, specifically states that outbuildings should not include any form of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets, or kitchens.
7. Although the proposal does include a shower room, it is reasonable that users of a home gym may require the use of shower facilities, bearing in mind its distance from the main house. Furthermore, the SPD2 provides advice that is general and not applicable in every case where careful judgement is also required.
8. The Council raised concerns over the appellant's failure to demonstrate, within the initial application, that the outbuilding is a reasonable requirement. However, the Grounds of Appeal, provide reasonable evidence for seeking an outbuilding of the size and type proposed. There is also justification for the inclusion of a back door on the outbuilding which would retain rear access to the curtilage. The outbuilding, as proposed, would not lead to increased occupation of the site. Furthermore, a condition could be attached to prevent the outbuilding from being used other than as ancillary to the main house.
9. For the reasons given above, use of the proposed development would be appropriate and incidental to the enjoyment of the main dwelling. It would comply with Policies DMP1 and DMP18 of the BLP and the Brent SPD2. Policy DMP1 requires development to complement the locality in terms of location, use and design. Policy DMP18 specifically resists outbuildings that will be used as residential accommodation.

Conditions

10. In addition to the standard time period for commencement of the development, a condition should be attached to ensure that the development accords with the approved plans, as this provides certainty.
11. In line with the supporting text for Policy DMP18, a condition should be attached to ensure that the outbuilding is used for purposes incidental to the use of the main dwelling. Wording was provided by the Council but has been slightly amended to allow for the shower room as per the plans. It is not necessary to specifically exclude the use for commercial storage or self-

contained accommodation as such uses would fall beyond the scope of a householder planning approval regardless of the imposition of a condition

Conclusion and Recommendation

12. The proposal would accord with the Development Plan when it is considered as a whole. For the reasons given above, I recommend the appeal should be allowed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR