



Appeal Decision

Site visit made on 23 November 2021

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/F5540/W/21/3273793

12 Albury Avenue, Isleworth TW7 5HX

- 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 Mrs Deepika Rahman against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00018/12/P5, dated 15 November 2020, was refused by notice dated 18 February 2021.
 - The development proposed is described on the Council's decision notice as 'change of use of the detached outbuilding to habitable room.'
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Decision

1. The appeal is allowed and planning permission is granted for the use of the existing outbuilding for residential purposes ancillary to the main house at 12 Albury Avenue TW7 5HW in accordance with the terms of the application, Ref 00018/12/P5, dated 15 November 2020, subject to the conditions appended to this decision.

Preliminary Matters

2. I have not used the appellant's original description of development in the banner heading above (as described on the application form). That is because the proposed use of the outbuilding is not as a self-contained dwelling but rather as sleeping accommodation for a member of the appellant's family. The outbuilding is already served by a washroom with no kitchen facilities either now or as proposed. In this regard the proposed use is associated with, and dependant on, the main dwelling.
3. I am also aware that on 22 July 2008, a Certificate of Lawfulness (CLD) was approved for a single storey outbuilding used as a gym at 12 Albury Avenue under Ref 00018/12/LAW1. This relates to the building in question.

Main Issues

4. The main issues are:
 - the effect of the proposed use on the character and appearance of the surrounding area; and
 - the effect of the proposed use on the living conditions of neighbouring occupiers, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. No 12 is a semi-detached property, fronting Albury Avenue. It is of a similar style and scale to properties around it, with various extensions having been constructed in the past (where additions and alterations of varying types are a characteristic feature of the area). There is no separate access to the rear of the property.
6. A good sized private garden exists to the rear of the property. Typical boundary treatments of timber fencing exist along the two sides of the garden. An existing single-storey outbuilding is positioned along the rear boundary, forming the building subject to this appeal. The existing outbuilding, the subject of the CLD referenced above, is currently used as a domestic gym and is accessed from the main house across the lawn.
7. I saw on my site visit that a number of outbuildings exist to the rear of neighbouring plots, typically to the end of the gardens, as is the case at No 12. From what I could see, these are also accessed from the main houses via their rear gardens, with no alternative or independent access. The various outbuildings visible are formed of both traditional timber garden sheds and more substantial structures with a greater level of permanence (which is the case at No 12).
8. Typically, such outbuildings, including that at the appeal site, are of a smaller scale and subservient nature to the main house. This contributes to a typical domestic character of smaller outbuildings within relatively large garden plots. The outbuilding at No 12 already exists, and its design and scale acceptably harmonizes with its context. The change of the building's status to sleeping accommodation associated with, and dependant on, the main dwelling would involve no appreciable changes to its appearance or, in my view, its subservient domestic character. The occupier of the outbuilding would still rely on the facilities and functions of the main house in day-to-day life. This change in status would therefore not be harmful to the character or appearance of the main dwelling, the street, or wider area.
9. Consequently, I consider that the proposed use of the outbuilding meets the relevant provisions of policies CC1, CC2 and SC7 of Hounslow Local Plan (adopted 2015), which in summary seek to ensure a high standard of development which maintains the character and appearance of the area, including that of private rear gardens.

Living conditions

10. I accept that the use of the outbuilding at No 12 may result in it being used for a greater proportion of the day, and there is no evidence before me indicating that other outbuildings nearby are similarly used in this manner. I note the observations of the Heston Residents' Association in that regard, who indicate that they would generally only support a limited variety of uses for outbuildings. This point correlates with the wording of the Council's Residential Extension Guidelines (adopted 2017), which I have been provided with, albeit that there is no indication of how such limitations are secured as opposed to advocated.

11. However, in this particular instance, rear gardens here are relatively lengthy, which would moderate the extent to which any additional intensity of use is perceived. It would also not be possible to use the outbuilding as a separate dwelling due to the lack of independent access (and the need to rely on the main house for the use of kitchen and other facilities). Moreover, the outbuilding already exists, as do many similar outbuildings within the surrounding area. Thus, the location of the outbuilding, and some degree of use and therefore potential for noise to be generated here, is not atypical of prevailing conditions.
12. Furthermore, a greater duration or intensity of use does not automatically correlate with additional propensity for noise and disturbance. As set out above, the use of the outbuilding, or other incidental function, is lawful. That will inevitably result in noise and disturbance from time to time. Although there may be some difference resulting from the proposed use, for the foregoing reasons, I am not of the view that would be harmful in this particular context.
13. Consequently, I conclude that the proposal would accord with the relevant provisions of policies CC1, CC2 and SC7 of Hounslow Local Plan (adopted 2015), which in summary seek to protect the amenities of neighbouring occupiers.

Conclusion

14. For the above reasons, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed subject to the conditions below.

Conditions

15. I have imposed a condition requiring compliance with the relevant plans. This is imposed in the interests of certainty.
16. I have imposed a condition requiring that the outbuilding is used only for purposes ancillary to the residential use of the dwelling known as 12 Albury Avenue. This is for the avoidance of doubt and to ensure that the building is used as proposed and assessed above.
17. I am not imposing a condition suggested by the Council requiring details of cycle parking. In my view, such a condition is unnecessary given the nature of the development proposed and the fact that it does not relate to the creation of a separate, self-contained dwelling. In addition, I have seen no evidence which indicates that existing arrangements would be inadequate.
18. In imposing conditions, I have had regard to the tests within the National Planning Policy Framework, the Planning Practice Guidance, and relevant statute, and have accordingly amended the wording of certain conditions proposed by the Council without altering their aim.

A Price

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not 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: Location Plan titled '12 Albury Avenue' Plan Reference Number TQRQM20338202827464 location plan; and 281-6.
- 3) The building shown on plan 281-6 shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 12 Albury Avenue.