

Appeal Decision

Site visit made on 2 February 2022

by **J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

An Inspector appointed by the Secretary of State

Decision Date: 7TH March 2022

Appeal Ref: APP/F5540/D/21/3286656

4 The Warren, Hounslow TW5 0JN

- 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 Thomas Phillips against the decision of the London Borough of Hounslow.
 - The application, ref. 01170/4/P1, dated 28 June 2021, was refused by notice dated 23 August 2021.
 - The development proposed is described as the demolition of existing garage and erection of a single storey outbuilding.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - The effect of the development on the character and appearance of the host building and the locality and associated living conditions; and
 - Whether the proposed outbuilding is in accordance with development plan policies with relation to reliance on the host dwelling.

Reasons

Character and appearance

3. The appeal site is located along The Warren which lies in a residential suburb containing semi-detached dwellings which appear to date from the early-mid twentieth century. The dwellings along The Warren have an arts and crafts inspired style with pitched and hipped roofs, the use of render and brick with large central coaxial chimney stacks, with mature street trees within front and rear gardens which can be experienced from the gaps between dwellings along the street. These elements and additionally the positioning of dwellings with setbacks and spaces in and around dwellings give a sense of spaciousness which is part of the local distinctiveness and local character and appearance of the locality. To the rear the dwellings contain long gardens with a rear access to the dwellings which is provided by a laneway which serves the rear of dwellings along the western side of The Warren, and the eastern side of Vicarage Farm Road. The laneway has a number of outbuildings accessing it which appear to be used for storage and the

parking of vehicles. The character of the rear laneway is therefore not an active one which is quiet and tranquil as a result.

4. Whilst the proposal is described in the application form as an outbuilding, it contains a kitchen, living room, bathroom and bedroom and would take the form of a type of 'annexe' in terms of its use (the use of which is discussed in more detail in the next matter). The Reason for Refusal for the outbuilding mentions that the use of the building would be harmful to the character of the area. The proposal would be of an appropriate form, design, position and material to be in keeping with the character and appearance of the area, which is not disputed by the Council. As described above, the use of the outbuilding for one of an active residential use would alter the character of the area, particularly the rear laneway where such a use is uncharacteristic for these rear outbuildings that front the laneway. Whilst being uncharacteristic, the use of the outbuilding which may include increased access from the rear laneway would lead to an increased activity leading to impacts to living conditions towards neighbouring properties.
5. In conclusion of this matter, the proposal would unacceptably harm the character and appearance of the appeal site and the rear laneway, which would be contrary to the London Borough of Hounslow Local Plan (LP) Policies CC1 and CC2 which are design led policies which seek to achieve high quality design for new development which reflects the existing character and context of the locality; and LP Policy SC7 which is specific to residential extensions and outbuildings and seeks that proposals do not harm existing character and appearance, including living conditions. These policies are supported by the Residential Extensions Guidelines Supplementary Planning Document 2017 (SPD) which contains further specific guidance in relation to design principles and detailed design considerations that for outbuildings in order that proposals respond to the existing site and context of the locality.

Use of the Outbuilding

6. LP Policies CC1, CC2 and SC7 in relation to this proposal seek that development responds to its local context, where character is not only limited to design and placement, but how uses interface with surrounding uses. The SPD contains further guidance with regards to the use of outbuildings where Section 4.8 seeks that outbuildings only be used in a manner incidental to the main house and that any proposals for independent residential units or proposals containing primary living accommodation would not be allowed.
7. The proposal seeks that the outbuilding be located with a small setback from the rear boundary. The proposed outbuilding would contain a bathroom, kitchen and bedroom. Access to the outbuilding could be provided by walking along the access to the side of the main dwelling; from through the main dwelling or the outbuilding could accessed via the rear laneway.
8. The Council's concerns are whether the outbuilding is actually ancillary as the building has a separate entrance which could be accessed independently via the rear laneway that could sever both uses and therefore the outbuilding would not be ancillary. 'Ancillary' uses are not distinguished by scale, although that may be relevant and there should be some functional relationship between the ancillary use and the primary use. That functional

relationship should be one that is normally found; it is not based on the personal choice of the person carrying out both activities together. Furthermore, even if the accommodation provided facilities for independent day-to-day living it would not necessarily become a separate planning unit from the main dwelling; it would be a matter of fact and degree.

9. If taking the case of an annexe which is what the appeal documents appear to be seeking, even in a separate building, would normally be regarded as part and parcel of the main dwellinghouse use rather than ancillary to it. With regards to severance, the layout of the outbuilding provides the majority of facilities as required for an independent dwelling. However, the proposal is presented as an outbuilding, rather than the creation of a separate dwelling. The applicant asserts that the building would provide accommodation for one of the current owners whilst their daughter and son-in-law and family reside in the main house.
10. Whilst in this particular case there appears to be some reliance and relationship to the host building between the current residents and their living situation, the assessment of appropriateness against the Development Plan is not limited to the current residents and that this would not prevent future occupants from attempting to create an additional planning unit by the severance of the outbuilding from the main dwelling. The presence of the rear access, together with the facilities provided by the building creates a situation that would mean that the outbuilding has independence and therefore has a weak relationship and functional dependency with the host dwelling.
11. In conclusion of this matter, I do not consider that the use of the outbuilding would be sufficiently ancillary to the host building, and would conflict with LP Policies CC1, CC2, and SC7 which is supported by the SPD, all of which have been described previously.

Other Matters

12. I acknowledge and appreciate the comments from the applicant in their personal statement which accompanies the Statement of Case regarding their personal needs, their specific situation and justifications for the proposed outbuilding which I have treated as a material consideration to this proposal. Having reviewed these personal circumstances, I feel that there may be other ways of accommodating the applicant's needs which may be more compliant with the policies of the development plan. As such the personal circumstances of the applicant in this case do not indicate that the decision should not be made in accordance with the policies of the development plan.

Conclusion

13. For the reasons given above, I conclude that the appeal be dismissed.

J Somers

INSPECTOR