



Appeal Decision

Site visit made on 2 February 2022 by A Coombes

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2022

Appeal Ref: APP/T5150/D/21/3286910

Site Address: 113 Chatsworth Road, London NW2 4BH

- XZXCSC
 - The appeal is made by A & R Ahmed & Ali against the decision of the London Borough of Brent Council.
 - The application Ref 21/2571, dated 6 July 2021, was refused by notice dated 1 October 2021.
 - The development proposed is the retention of outbuilding to rear of property as an annex to main house.
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Decision

1. The appeal is dismissed.

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 application was submitted retrospectively and therefore the appeal has been considered on that basis.
4. There was a correspondence between the Council and the appellant regarding the description of the development. For the purpose of this appeal, the description put forward on the application form has been used.

Main Issues

5. The main issues of the development are:
 - the impact on the character and appearance of the area; and,
 - Whether the use of the outbuilding as primary living accommodation would provide suitable living arrangements, having regard to the living conditions of future occupiers and the aims of the development plan in that regard.

Reasons for the Recommendation

6. The appeal site is a two-storey semi-detached dwelling with generous front and rear curtilage. The outbuilding, which is the subject of this appeal, is situated at the end of the rear curtilage and is accessed via the side of the dwelling. The

application seeks retrospective permission to retain the outbuilding as an annex to the main house.

Character and Appearance

7. The outbuilding is situated within the rear garden of No.113 Chatsworth Road, a semi-detached dwelling within an attractive tree lined street. There is a prevailing feeling of spaciousness on account of the gaps between dwellings and the mature front and rear gardens which add a sense of greenery. The rear gardens on this side of the street back onto the railway line which also has associated greenery along its verge. Thus, the overall feel is of an attractive and verdant residential environment. With a limited number of exceptions, including the structure that is subject to this appeal, outbuildings are of modest scale such that they do not dominate or erode the spacious character of the area.
8. The single storey development has a flat roof and white render finish, with three windows and a set of double doors on the front elevation. Though the design is simple, the scale and fenestration is similar to that of a self-contained dwelling, and this challenges the dominance of the main dwelling. Although the property benefits from a generous garden it is comparatively long in relation to its width. The outbuilding would extend across the entire width and take up a substantial proportion of the rear section of the space. Therefore, despite the size of the curtilage, it is a dominant and incongruous feature.
9. The Brent Residential Extensions and Alterations SPD2 (SPD), adopted 2018, provides guidance with regard to the size of outbuildings and, though this is generalised advice, and a degree of flexibility should be applied, the outbuilding is more than double the suggested size. Though the outbuilding is situated to the rear of the curtilage it is visible from neighbouring properties, as well as the railway track. Due to its design and size, it is harmful to the character and appearance of the area
10. The appellant has provided examples of similar schemes along Chatsworth Road, notably immediately next-door at 115 Chatsworth Road. However, the planning status of these examples has not been confirmed and it is not clear if they benefit from planning permission. In any event, such large outbuildings with residential style fenestration are not so prevalent that they are integral to the character of the area. As described above, the prevailing pattern remains one of generous gardens in mature landscaping with modest outbuildings. Due to its size and design, the building contrasts incongruously in that setting.
11. For the reasons given above, the development is harmful to the character and appearance of the area. Therefore, it does not comply with Policy DMP 1 of the London Borough of Brent Local Plan Development Management Policies (DMP), adopted 2016 and Policy CP17 of the London Borough of Brent Core Strategy (CS), adopted 2010. Together these Policies seek to resist development that is unacceptable in terms of design, scale or size and does not respect the setting of existing dwellings. Furthermore, as mentioned above, the development fails to comply with the size guidance in the SPD.

Use

12. Policy DMP 18 (DMP) 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 SPD specifically states that outbuildings should not include any form of primary accommodation such as bedrooms, bathrooms/shower rooms, toilets, or kitchens.

13. The outbuilding does not possess a private entrance and the appellant has expressed that they do not wish to use the outbuilding as residential accommodation, although they do accept that it has been used by non-family members in the past and information provided by the Council indicates that it may have been let as an independent unit of occupation. The building provides primary accommodation, including a bathroom, bedroom, kitchen, and living room and therefore contains all of the facilities required for day to day living, albeit those services are connected to the main dwelling. As such, the use is not incidental to the use of the original dwelling but provides additional primary accommodation.
14. A condition could be attached to restrict use to ancillary purposes, and a legal agreement has been signed by the appellant to that effect. The appellant maintains that the building would be used by family members as occasional space away from the home or by friends visiting the property. However, if that is the case, it is not clear why the building would need to be of such a scale or why it would need the full range of facilities including living room and kitchen. Details regarding precisely who would use it and to what extent are somewhat vague. Even with the suggested condition and undertaking a family member, or members, could use the annex and spend considerable time within the building given the facilities are available for them to eat, sleep and live.
15. Such facilities would increase the intensity of primary occupation at the site by allowing family members to occupy the space, potentially freeing up associated space in the main dwelling. The structure has reduced the usable garden space and provides an unattractive outlook from the main dwelling, for the reasons described in the first main issue. The building itself contains no windows on three sides and is single aspect with a restricted outlook for occupiers who may well spend a significant amount of time within the building. Consequently, the proposal is the type of accommodation that policy DMP 18 and the SPD specifically seek to resist and does not represent a suitable form of accommodation having regard to the living conditions of occupiers of the site.
16. The appellant has provided several examples of outbuildings, both within the borough of Brent and elsewhere. Based on the evidence before me, it is not clear that any of these examples contain kitchens. The examples provided from elsewhere, such as Blackpool and Barnsley, bear limited relevance to this case given that they fall within the remit of a different planning authority and are not subject to the same Policy measures. The size and design of the nearby examples is broadly comparable, and it is acknowledged that 115 and 135 Chatsworth Road are subject to certificates of lawfulness. However, details of internal use has not been provided. Therefore, these examples have been given limited weight and do not outweigh the clear policy conflict arising from the proposal.
17. For the reasons given above, the development does not comply with Policies DMP 1 and DMP 18 of the DMP. Policy DMP 1 requires development to complement the locality in terms of location, use and design. Policy DMP 18 specifically resists outbuildings that will be used as primary residential accommodation.

Other Matters

18. It is understood that the development provides a number of private benefits with regard to overflow accommodation for visitors and a study space for children, and limited weight is given to these matters. However, they do not outweigh the harm identified and such benefits could be provided by a different scheme that does not cause the harm outlined above.
19. Reference has been made to a potential fall-back scenario of a building that could be constructed under permitted development rights. However, outbuildings are only permitted under Class E, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) where they are for a purpose 'incidental' to the enjoyment of the dwellinghouse. As explained in the Government's *Permitted Development Rights for Householders – Technical Guidance (2019)*, incidental uses cover structures such as sheds and garages but not the provision of additional primary living accommodation which would be an extension of the main residential use as opposed to being incidental to it.
20. Whilst an outbuilding not providing primary accommodation could in theory be constructed, it is not clear why the appellant would erect such a large structure for an undefined 'incidental' purpose or that such a large space would be needed for occasional use by family members. Accordingly, it is not clear that a similar outcome could be achieved by utilising permitted development rights and I attach limited weight to any suggested fall-back position.

Conclusion and Recommendation

21. The proposal would not accord with the Development Plan when it is considered as a whole and there are no material considerations that would outweigh that conflict and the harm that has been identified. For the reasons given above, I recommend the appeal should be dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR