



Appeal Decision

Site visit made on 17 March 2022

by Chris Couper BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/F5540/D/22/3290497

18 Green Man Lane, Feltham TW14 0QB

- 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 Kim Bower against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00513/18/P1, dated 22 May 2021, was refused by notice dated 20 October 2021.
 - The development proposed is described as the 'erection of single storey self contained annexe in the rear garden - maximum height of 2.85 metres, 2.55 metres at the eaves'.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey annexe in the rear garden with a maximum height of 2.85 metres, and 2.55 metres at the eaves, at 18 Green Man Lane, Feltham TW14 0QB in accordance with the terms of the application, Ref 00513/18/P1, dated 22 May 2021, subject to the following 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, and drawing nos. JM01 and JM02.
 - 3) The materials to be used in the construction of the external walls of the development hereby permitted shall match those used in the existing building.

Preliminary and Procedural Matters

2. The proposal is described on the application forms and in the Council's decision as a 'self contained annexe'. In its delegated report ('DR') the Council alleges that the scheme amounts to the creation of a new dwelling. In that regard, it refers to advice in its Residential Extension Guidelines Supplementary Planning Document 2017 ('SPD') which states that 'granny annexes' to provide accommodation for relatives must be connected to the rest of the house, must not have a separate entrance or kitchen, and must not be capable of being used as a separate dwelling.
3. The proposed development would be modestly proportioned and would sit at the end of the host property's garden. It would not have a separate garden or

- parking area. No new vehicular or pedestrian access is proposed, and it could only be reached through the host's garden. Internally, it would comprise a bedroom, a lounge, a bathroom and a small hallway, but it would not have a kitchen/dining area.
4. Consequently, whilst it would be detached from the main house contrary to the SPD, having regard to the judgement referenced at paragraph 5.6 of the DR, it would not contain all the necessary living facilities to be occupied as a separate planning unit. Indeed, from the submitted evidence, including the planning and householder application forms, it is clear to me that it was never the appellant's intention to create a separate residential unit.
 5. Given those findings, and notwithstanding the use of the words 'self contained' on the application forms, I have dealt with the scheme on the basis that it would provide an annexe to the host property. In accordance with paragraph 2.1.4 of the appellant's grounds of appeal, and in the interests of clarity, I have therefore omitted those words from my formal decision.
 6. As this is a householder scheme, and not major development, it would not need to comply with the greenhouse gas emission requirements set out in Policy SI 2 of the London Plan 2021 ('LP'), to which Policy EQ1 of the Hounslow Local Plan 2015 to 2030 (2015) ('HLP') refers. I have not therefore considered any further the Council's fourth reason for refusal.
 7. As part of its first reason for refusal, the Council states that the scheme would be contrary to HLP Policy EC3, which requires compliance with Circular 01/2010. That circular has recently been replaced by a Department of Transport Policy Paper on the Control of Development in Airport Public Safety Zones (dated 8 October 2021).
 8. This sets out basic policy objectives of preventing an increase in the number of people living in such areas, although it also states that an extension or alteration to a dwelling may be permissible where it would not lead to an increase in the number of people above a single household.
 9. Since the determination of the application, Heathrow airport's public safety zone has been revised, and the appeal site now falls just outside of it. Consequently, and as I am satisfied that the scheme before me is for an annexe to the main house to be used by people living together as a single household, the proposal would not conflict with that policy.
 10. I have set out the main issues in this appeal in light of these findings.

Main Issues

11. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on adjacent occupiers' living conditions, with particular regard to noise and disturbance; and
- whether the occupants of the proposed annexe would experience appropriate living conditions.

Reasons

Character and appearance

12. The proposed structure would sit at the end of the host's fairly long rear garden. I have found that it would be modestly proportioned, with a low roof, and it would be clearly subservient in scale to the host property, whose rendered walls it would match. As referenced in the DR, both adjoining properties contain similarly positioned outbuildings, and I observed that the one at No 20 is larger than that proposed here and that, with its brick construction and windows, it has at least the appearance of habitable accommodation.
13. Whilst the Council's decision alleges that the character of the area would be harmed by this scheme, its DR observes that the development would appear consistent and comparable in terms of scale and design with existing outbuildings in the area, and that its design is not objectionable. For the above reasons, and given its unobtrusive siting, I agree.
14. Thus, the scheme would not harm the character and appearance of the area, and it would not conflict with HLP Policies CC1 and CC2 which, in general terms, require development to respond to an area's character, with extensions which complement, and are subordinate to, the original building, and which harmonise with adjoining properties and the streetscene.

Adjacent occupiers' living conditions

15. As the scheme is for an annexe, and it would not provide all the necessary facilities for self-contained accommodation, additional comings and goings would be limited. Given its location, and in the context of other nearby outbuildings, reasonable domestic use of the structure would not cause a significant harmful impact on adjacent occupiers as a result of noise or disturbance.
16. As there would not be a significant impact on adjacent occupiers' living conditions, the scheme would not conflict with those parts of HLP Policies SC7 and CC2 which set out that development shall provide adequate levels of privacy, and that residential extensions and alterations, including outbuildings, shall minimise harm to neighbouring residents.
17. HLP Policy CC1 which primarily addresses matters of design and character, and HLP Policy SC4 which sets out requirements for new housing, are of little, if any, relevance on this issue.

Living conditions in the proposed development

18. The retained garden area would be sufficiently sized to serve all the residents of No 18 and, given its intended occupation, it would not be necessary to create a separate garden for the annexe. As a new dwelling would not be created, the scheme would not need to accord with HLP Policy SC5's requirement for no less than 50sqm of separate external amenity space.
19. The proposed rooms would be appropriately sized for their stated function, and their single aspect through very large windows across the host's garden to the accommodation in the main house would provide adequate light and outlook. I

have no cogent reason to conclude that appropriate ventilation would not be provided, including through the external door.

20. As the scheme would be an annexe, it is not necessary for it to comply with the floorspace and storage standards for a one person dwelling set out at LP Policy D6, and for the same reason no separate waste storage area would be necessary. On this issue, the scheme would therefore provide suitable living conditions for its occupants, and it would not conflict with the development plan.

Conclusion and conditions

21. Summing up, I am satisfied that the proposal before me is for an annexe, for purposes ancillary to the host property, and not for a separate dwelling. The scheme would not harm the character and appearance of the area; it would not have a significantly harmful impact on adjacent occupiers' living conditions; and it would provide an appropriate standard of accommodation for its occupants. Whilst I have had regard to the advice in the SPD, for the above reasons the scheme would comply with the development plan and the appeal will therefore be allowed.
22. I have considered the matter of conditions against the tests in the National Planning Policy Framework. The standard time limit condition is necessary, as is, in the interests of certainty, a condition requiring that the development be carried out in accordance with the approved plans. According to the application forms, the scheme's roof would be finished with EPDM, but in the interests of the character and appearance of the area, a condition is necessary requiring that the materials on its external walls match those of the host.
23. Finally, the Council has suggested a condition requiring that the development only be used for a purpose ancillary to the host property and that it shall not be occupied as a separate dwelling or for business purposes. However, the scheme is described as an annexe, and its use as a separate dwelling, or for business purposes not ancillary to the host, would require planning permission. Consequently, the suggested condition is unnecessary.
24. For the above reasons, having regard to all other matters raised, including representations by interested parties, the appeal is allowed.

Chris Couper

INSPECTOR