



Appeal Decision

Site visit made on 12 January 2022

Decision by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/M5450/W/21/3280169

13 Brockley Close, Stanmore HA7 4QL

- 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 Phill Moses against the decision of Harrow Council.
 - The application Ref P/1359/21, dated 15 March 2021, was refused by notice dated 26 May 2021.
 - The development proposed is described as 'retention of existing side dormer window of the converted garage and use it as a 'Granny Annex''
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Decision

1. The appeal is allowed and planning permission is granted for the retention of existing side dormer window of the converted garage and use it as a 'Granny Annex' at 13 Brockley Court, Stanmore HA7 4QL, in accordance with the terms of application P/1359/21 dated 15 March 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plans: Existing Floor Plans Granny Annexe 1811/P004 dated 2 March 2021; and Existing Elevations Granny Annexe 1811/P005 dated 2 March 2021.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 13 Brockley Close, Stanmore HA7 4QL
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), no window or door other than those shown on the approved plans shall be installed in the flank and rear elevations of the development hereby permitted without the express consent in writing of the local planning authority.

Preliminary Matters

2. I have taken the name of the appellant from the appeal form as the application form appears to refer to the appellant's agent.

Main Issues

3. The main issues are: whether the location of the development is acceptable; the effect of the proposal on the character and appearance of the surrounding area; the effect of the proposal on the living conditions of its future occupiers; and the effect of the proposal on the living conditions of residents at No. 13 Brockley Close.

Reasons

Location of development

4. The appeal site contains a detached dwelling on Brockley Close with a separate outbuilding to the front, comprising a former garage converted to office space. Various works have been undertaken to the building to allow for its use as a granny annex, including the installation of a front dormer window at first floor level facing the main dwelling, and a rooflight. The appeal seeks retrospective permission for the retention of these elements and for the use of the building as a granny annex.
5. Core Policy CS1A of the Harrow Council Core Strategy 2012 (the Core Strategy) states that the Harrow and Wealdstone Intensification Area will be the focus for regeneration, with growth throughout the rest of the Borough directed to town centres and strategic previously developed sites. It continues at Policy CS1B that garden development will be resisted.
6. The Garden Land Development Supplementary Planning Document 2013 (the Garden Land SPD) clarifies that garden land is any land within the curtilage of a building, the principal use of which is residential. This includes gardens of houses, land that formed part of a garden now legally and/ or physically severed from the property, and any hardstandings, outbuildings or other structures on the garden land. Given this definition, even acknowledging the previous garage use, I consider the Council's interpretation that the site forms garden land is reasonable and correct.
7. The Garden Land SPD defines garden land development for the purposes of Policy CS1B. This is any development on garden land that results in the formation of one or more new dwellings. A typical example is given as the construction or conversion of domestic outbuildings for use as independent dwellings. However, the Garden Land SPD specifically excludes householder development such as ancillary domestic outbuildings from the definition of garden land development.
8. While the proposal contains a kitchen, bathroom, bedroom and living space I do not consider that it creates an independent dwelling. The appellant is clear that it is to form a granny annex, used ancillary to the main dwelling. It shares a parking area and driveway with the main house, as well as the rear garden. There is no indication from the information before me that the proposal seeks to become an independent dwelling and substantive evidence to the contrary has not been presented. In addition, the Council's allegations of substandard living conditions at the proposal support the view that such facilities would be shared with the main house.
9. Therefore, while the proposal is located on garden land, I do not consider that it would fall within the definition of garden land development referred to in Policy CS1B. Rather than resulting in the formation of an independent dwelling, it is an annex to be occupied ancillary to the main house. Moreover, a suitable condition can be imposed ensuring that it is occupied on this basis and does not result in the formation of a new dwelling.
10. For the reasons given above, I therefore conclude that the principle of the proposed development located on residential garden land is acceptable. In this sense it complies with Policies CS1A and CS1B of the Core Strategy, the Garden Land SPD and the provisions of the National Planning Policy Framework (the Framework), which seek to ensure new development is appropriately located.

Character and appearance

11. Policy CS1B also states that proposals that would harm the character of suburban areas will be resisted. The appeal building abuts the footpath of a turning point at this section of Brockley Court, such that it is readily apparent within the surrounds. The building is the only example of a detached outbuilding of its kind fronting the street in the immediate group of properties.
12. However, its scale and shape remains largely unchanged by the proposal, such that it would not create a sense of the site being cramped. The addition of the side dormer window reads as discreet and is largely hidden from the street by the pre-existing roof form, while views of the rooflight are sparse. Overall, the proposal has resulted in limited external change to the building. It does not significantly alter the appearance of the immediate locality or the contribution made to the streetscene by the building, which retains a sense of subservience to the main dwelling.
13. Additional self-contained accommodation in this location is not prevalent in the area. However, as the proposal is not a separate dwelling but an ancillary annex, any change to the character of the site or area in this regard would not be significant. The level of occupation of the annex would be limited by its scale, and it would not create two separate households on one plot.
14. Rather, the site would largely continue to function as one household, avoiding a more intensive use of the site. As such, the proposal does not significantly distinguish the site from the surrounding single household uses. In addition, given the modest scale of the proposal, the level of associated residential paraphernalia which it may lead to is likely to be limited and acceptable in the context of the main dwelling and residential surrounds. Overall, the character of the surrounding suburban area would not be harmed.
15. For the reasons given above, I therefore conclude that the proposal would not cause harm to the character and appearance of the surrounding area. In this sense it complies with Policy CS1B of the Core Strategy, Policy D3 of the London Plan (2021), Policy DM1 of the Harrow Council Development Management Plan Local Policies (2013), the Supplementary Planning Document Residential Design Guide (2010) and the provisions of the Framework, which seek to ensure good design.

Living Conditions – Future Occupiers

16. The comments of the Council on living conditions of future occupiers are noted. The submitted plans do not demonstrate private amenity space or refuse and recycling storage space for the annex. However, the appellant submits that occupiers of the proposal would share such facilities with the main dwelling. The evidence suggests that the annex would provide suitable accommodation on that basis.
17. While the floor to ceiling height provisions of the London Plan (2021) have not been met, the proposal does not represent a new dwelling. In any event, the level of shortfall in this regard would not significantly compromise the living conditions of any future occupiers, particularly considering the shared facilities and spaces within the main house. Overall, satisfactory amenity for future occupiers would be achieved in this regard.
18. For the reasons given above, I therefore conclude that the proposal would not cause harm to the living conditions of future occupiers. In this sense it complies with Policy DM1 of the Harrow Council Development Management Plan Local Policies (2013) and

the Supplementary Planning Document Residential Design Guide (2010), which seek to ensure adequate living conditions.

Living Conditions - No. 13 Brockley Close

19. The proposal would result in a granny annex located in close proximity to the main dwelling at No. 13 Brockley Close, with the dormer window facing the front elevation of the main house. Two habitable room windows are located on the first floor of No. 13, and a degree of privacy would be reasonably expected in these rooms.
20. From my observations the positioning of the dormer window is such that it does not directly face these windows, but the spacing between them. While an element of overlooking does exist, it is not unduly invasive such that it would impact the use and enjoyment of these rooms by the occupiers at No. 13, particularly given the nature of the relationship between the main house and the ancillary proposal.
21. It is further acknowledged that the door to the proposal is located adjacent to the driveway of No. 13. This is currently in use as the office entrance and change to a granny annex would likely increase the movements to and from the building. However, given the limited level of occupation of the annex and the fact that it would not introduce an additional household or independent dwelling, this increase would not be so significant as to lead to greater conflict with the driveway use to the detriment of occupiers of either the granny annex or the main dwelling.
22. For the reasons given above, I therefore conclude that the proposal would not cause harm to the living conditions of residents of No. 13 Brockley Close. In this sense it complies with Policy DM1 of the Harrow Council Development Management Plan Local Policies (2013) and the Supplementary Planning Document Residential Design Guide (2010), which seek to ensure adequate living conditions.

Other matters

23. My attention has been drawn to an appeal decision¹ relating to garden land development. However, this development in that case was for the erection of a separate dwelling. As such, it is distinguishable from the appeal proposal and I therefore attach it limited weight.

Conditions

24. As the application was submitted retrospectively, a time limit condition is not required. However, in order to provide certainty I am satisfied that a condition specifying the plans in accordance with which the proposal is to be retained is necessary. A condition to ensure that the outbuilding remains ancillary to the main dwelling at No. 13 is also necessary for the avoidance of doubt and to ensure accordance with the development applied for.
25. The Council has also suggested a condition that no window or door other than those shown on the approved plans should be installed in the flank and rear elevations of the proposal. Given the tight knit residential nature of the surrounds, I consider that this would be necessary in the interests of the living conditions of surrounding occupiers.

Conclusion

26. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be

¹ APP/M5450/W/19/3232502

determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions at paragraph 1 of this decision.

C Rafferty

INSPECTOR