



Appeal Decision

Site visit made on 15 August 2023

by R Merrett Bsc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2023

Appeal Ref: APP/F5540/C/22/3312220 25D Shenley Road, Hounslow TW5 0AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Gurjit Bain against an enforcement notice issued by the Council of the London Borough of Hounslow.
- The enforcement notice, numbered OUTB/2020/00069, was issued on 16 November 2022.
- The breach of planning control as alleged in the notice is Without planning permission, the erection of an outbuilding.
- The requirements of the notice are i) Demolish the outbuilding; ii) Remove all resultant debris from the Land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

Preliminary Matter

1. It was apparent from my visit that demolition of the structure had commenced, with only the rear and side walls and floor of the building remaining. Notwithstanding this I am required to address the deemed planning application, as set out above, which is for the retention of the as-built structure targeted by the notice. My decision is therefore made on this basis.

Main Issues

2. The appeal on ground (a) is that planning permission ought to be granted for the development stated in the notice. The main issues are the effect of the development on the living conditions of current and future occupiers of the site, having particular regard to privacy and noise disturbance, as a result of comings and goings, outlook and the availability of external amenity space; and the living conditions of neighbouring residents having regard to outlook.

Reasons

3. Policy SC7 of the Hounslow Local Plan 2015 (LP) seeks that residential extensions minimise harm to neighbouring residents, having regard to other guidance. Guidance in the Council's Residential Extension Guidelines Supplementary Planning Document 2017 (SPD) advises it is essential that

garden outbuildings are incidental to the use of the dwelling, such that they should not facilitate future independent residential use; should not be situated too close to the dwelling and should leave garden space at least equal to the footprint of the original dwelling.

4. Policy SC6 seeks to ensure that the subdivision of the dwelling stock does not result in harm to living conditions arising from loss of privacy and outlook, amongst other things. Policy SC5 of the LP sets out minimum standards for the provision of private external amenity space, seeking to achieve some 75 square metres for new dwellings with five habitable rooms. Thus together these policies set out a framework for protecting the living conditions of current, future and neighbouring occupiers of dwellings.
5. The appeal site is one of a pair of semi-detached dwellings, accessed via a driveway leading from the head of the cul-de-sac. The outbuilding itself is located at the end of the rear garden, has a rectangular footprint and spans the width of the plot. Photographs provided by the Council show the outbuilding front elevation windows and a patio door facing towards the main rear elevation of the dwelling, and directly overlooking the rear garden area between the two.
6. The appellant says that the outbuilding would be for recreational purposes, to support social welfare managed accommodation. At the time of the appeal submission, it appears that a planning application for that use remained undecided. However little further detail is provided, and it therefore remains uncertain whether the use of the outbuilding would retain a specific and exclusive functional link to the occupation of No 25D, such that it could reasonably be described as incidental to the use of that dwelling. The Council claims that the tenant of No 25D does not have access to the outbuilding, a point which has not been disputed by the appellant, and which on balance leads me to doubt its use for incidental purposes.
7. The Council noted during their site visit in July 2022 that the outbuilding contained kitchen and bathroom accommodation, undisputed by the appellant. Indeed, from my visit I noted the remains of plumbing and drainage connections that would probably have been associated with such facilities. It is also possible to reach the outbuilding, directly via a gate and passageway at the side of the property, without the need to enter the dwelling itself.
8. Drawing the above considerations together I am unable to rule out that the outbuilding may facilitate use by persons other than the occupants of 25D Shenley Road, also that it is designed such that it may in future be easily adapted to accommodate independent residential accommodation. The principle of the development would therefore be in conflict with Policy SC7 and with the SPD for these reasons.
9. In my judgement the footprint of the outbuilding is situated relatively close to the rear elevation of the dwelling. I am in no doubt that, because of the design and proximity of the outbuilding, any non-incidental use of it by persons not resident at No 25D would result in the rear of that property, including garden, being overlooked and would disturb the use of that area as a result of comings and goings.
10. Furthermore, I concur with the view that the proximity and scale of the outbuilding would appear overbearing, in relation to the garden and rear living

space of the dwelling, resulting in more oppressive living conditions for residents there. Accordingly there would be harm to the living conditions of the occupiers of No 25D arising from loss of privacy, outlook and noise disturbance, in conflict with Policies SC6, SC7 and EQ5 of the LP and with the SPD. There is no evidence to persuade me that the development would reflect a design characteristic of the surrounding area. As such there would be conflict with Policies CC1 and CC2 of the LP which seek to achieve high quality design and require development to respond to the character of the area.

11. The Council has indicated within its representations that No 25D comprises a three bedroom, five habitable room property. This is not disputed by the appellant, and I have no reason to take a contrary view. Guidelines set out within Policy SC5¹ of the LP indicate that for new dwellings of this scale a minimum of 75 square metres of usable amenity space should be provided.
12. The Council says that the outbuilding reduces the amount of external amenity space, such that there would be a significant shortfall against this standard. From my observations at the visit I have no reason to disagree. In the absence of a satisfactory explanation for the outbuilding, I concur with the Council that it would result in unsatisfactory provision of external amenity space. I conclude that there is conflict with Policies SC5 and SC6 in this regard.
13. In terms of impact on neighbouring residents, I consider that the outbuilding would be sufficiently offset from the rear of neighbouring and adjacent dwellings not to result in an undue sense of enclosure. I do not therefore find conflict with Policies SC6 and SC7 of the LP, insofar as they seek to protect the living conditions of neighbouring residents. This however does not overcome the harm that I have found above.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

15. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Merrett

INSPECTOR

¹ Figure SC 5.2 – Benchmark external space standards