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## Appeal Decision

Site visit made on 15 April 2024

**by J D Westbrook BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>TH</sup> May 2024**

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**Appeal Ref: APP/F5540/D/24/3337150**

**12 Wellesley Road, Chiswick, London, W4 4BL**

- 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 A Lake against the decision of the Council of the London Borough of Hounslow.
  - The application Ref 01177/12/P18, dated 18 August 2023, was refused by notice dated 30 October 2023.
  - The development proposed is described as the demolition of the existing garage in the rear of the property; erection of new outbuilding with garage; and up to six PV Panels on proposed south facing pitch.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage in the rear of the property; erection of new outbuilding with garage; and up to six PV Panels on proposed south facing pitch, at 12 Wellesley Road, Chiswick, London, W4 4BL in accordance with the terms of the application, Ref 01177/12/P18, dated 18 August 2023, and the plans submitted with it, 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: 2235\_233 Nos 01, 02, 05, 08b, 12, 14, 16, 18, 19, 20, 21, 22, 23, 24, and 25; Sustainability Statement.
  - 3) The materials to be used in the construction of the external surfaces of the outbuilding hereby permitted shall match those used in the existing house.
  - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 12 Wellesley Road, Chiswick, London, W4 4BL.

### Main Issues

2. The main issues in this case are the effects of the proposed outbuilding on:
  - The character and appearance of the host property and the wider Wellesley Road Conservation Area, and
  - The living conditions of the occupiers of Brandon Lodge by way of noise and disturbance.

## Reasons

3. No 12 is a detached house situated on a corner plot at the junction of Wellesley Road with Burlington Road. It has accommodation over three floors, and it has a full-width rear, single-storey extension with a largely glazed rear elevation. The property has a long rear garden with a vehicular access leading into a parking area, on which there has been a double garage, now demolished. The proposed outbuilding would extend over the current parking area and the site of the earlier garage. It would include a garage to the western side with a play room to the rear, and a gym and shower room in a new basement area. The basement would gain light from a lightwell that would extend out a small distance from the building into the garden area. The outbuilding would have a pitched roof with solar panels on the south-facing roof slope.
4. Policy CC1 of the Council's Local Plan Volume One (LP) indicates that new development should conserve or enhance particular qualities that contribute to an area's character, and respond to any positive local architectural vernacular. Policy CC2 indicates that new development should respond meaningfully and sensitively to the site, its characteristics, and its surroundings. Policy CC4 indicates that proposed extensions to a heritage asset should be in keeping with the character of the building and harmonious with its surroundings and the wider character of the area. Policy SC7 indicates that residential extensions should complement the original building; harmonise with adjoining properties; maintain the character of the general street scene; have regard to the character, materials and scale of the principal building; and minimise harm to neighbouring residents.
5. The Council's Residential Extensions Guide (SPD) indicates that the Council will not normally allow detached outbuildings sited very close to the house, and for an outbuilding with a ridged roof, the top of the ridge should be no higher than four metres. It would need to appear clearly subservient to the host dwelling and the external materials should be similar to those used in the rear of the existing house. Finally, the Council will not allow rear access to an outbuilding and the building must only be used in a manner incidental to the main house.
6. The Council contends that the proposed outbuilding by reason of its size, scale, height and inclusion of a bathroom would be an intrusive development, out of scale and character with the prevailing pattern of development in the locality and would not be incidental to the main dwellinghouse. In addition, the increased usage would result in noise and disturbance causing a serious adverse effect on the residential amenities of the area.
7. The appellant contends that the outbuilding would comprise ancillary accommodation only and an enforceable condition can be used to ensure this. The shower room would be for use in connection with users of the home gym, study and playroom. He notes that a certificate of lawfulness for an outbuilding has previously been granted which represents a fallback position, and that the additional accommodation would be located at basement level with limited visual impact and scope for disturbance.

### *Character and appearance*

8. The appeal property is situated within the Wellesley Road Conservation Area (CA). The proposed outbuilding would not be readily seen in the same context as the houses along Wellesley Road, and would not harm the context of those

buildings. On the opposite corner plot, across Burlington Road is the locally listed Gunnersbury Baptist Church. I note that there is a new modern building to the south of the church with a largely glazed front elevation, and that the adjacent Brandon lodge is a modern residential block of between 2 and 4 storeys with a roof that slopes away from the appeal site.

9. It would appear that the Certificate of Lawfulness that applies at the appeal site would enable the construction of a single-storey outbuilding with a flat roof on the same site as the current proposal. The only visual difference between the two buildings would be that the appeal proposal would have a low hipped roof which would not, in any case, significantly increase its height or apparent scale. In any event, I consider that the proposed scheme, by virtue of its position and limited height, would clearly appear subservient to the house.
10. The proposed outbuilding would be sited at the end of a long rear garden where there has previously been a garage building having access from Burlington Road. Given its position and the limited difference between the current scheme and the significant fall-back position available to the appellant, I do not consider that the proposed outbuilding would appear out of scale or character with the host property or its immediate surroundings. Similarly, given the nature and appearance of the buildings both opposite and to the rear of the appeal site, along with the design and materials used in the recent rear extension at No 12, I do not consider that the proposed outbuilding would appear out of context in terms of scale, design or materials.
11. Finally, I note that the appeal property already has an access to the rear for the existing parking arrangements, which would also serve the proposed garage, and that there would be no direct access into the ancillary living accommodation from Burlington Road.
12. In conclusion on this issue, I find that the proposed outbuilding would not be harmful to the character or appearance of the host property, its immediate surroundings, or the wider CA. On this basis it would not conflict with Policies CC1, CC2 CC4 or SC7 of the LP, or with guidance in the SPD.

#### *Living conditions*

13. The proposed outbuilding would have a basement floor beneath the eastern half of the structure. This would include a gym and shower room. The Council is concerned that the inclusion of a shower room would result in the outbuilding not being incidental to the main dwellinghouse, and that the increased usage would result in noise and disturbance causing a serious adverse effect on the residential amenities of the area.
14. It would not seem unreasonable that a gym would require a convenient shower room attached, and the use of a suitable condition could ensure that such an arrangement would remain incidental to the use of the main house. I have attached such a condition for this reason.
15. The gym and shower room would be wholly underground such that it would seem highly unlikely that its use would generate a significant amount of noise and disturbance for the occupiers of the neighbouring Brandon Lodge. I note that the building at Brandon Lodge is set well behind the substantial car parking area at the front of the property, and also that it is set to the rear of No 10 Wellesley Road rather than immediately behind the appeal property.

16. On the basis of the above, I do not consider that use of the proposed outbuilding would be likely to result in any significant noise or disturbance to the occupiers of Brandon Lodge and that the proposal would not be harmful to their living conditions. It would not conflict with Policy SC7 of the LP.

**Conditions**

17. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area. Finally, I have attached a condition restricting use to only those incidental to the use of the host dwelling, in the interests of protecting the living conditions of the occupiers of the neighbouring Brandon Lodge and the prevailing character of the CA.

*J D Westbrook*

INSPECTOR