

Appeal Decision

Site visit made on 4 September 2024

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 October 2024

Appeal Ref: APP/F5540/W/24/3340166

8 The Crossways, Hounslow TW5 0JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr B Moezzi against the decision of the Council of the London Borough of Hounslow.
- The application Ref is 00329/8/P2.
- The development proposed is described as a 'retrospective ancillary annexe'.

Decision

1. The appeal is allowed and planning permission is granted for an ancillary annexe at 8 The Crossways, Hounslow, TW5 0JL in accordance with the terms of the application, Ref 00329/8/P2, and plan submitted with it, subject to the following condition:
 - 1) The use of the outbuilding hereby permitted (as shown on drawing 'TheCrossways_ExistingPlans_V1') shall not be used other than for purposes ancillary to the use of the dwelling known as 8 The Crossways, Hounslow, TW5 0JL.

Preliminary Matters

2. During my visit, I noted that the outbuilding is equipped with a kitchen and bathroom in a manner consistent with the plans before me. I have therefore considered the appeal on the basis that the development has already been constructed.
3. The description of the development in the heading is taken from the planning application form. However, I have removed reference to the development being retrospective from the decision in paragraph 1 of this letter, to accurately reflect the acts of development subject to the appeal.

Background and Main Issues

4. The appellant does not claim that the use is incidental. Permission is sought for an ancillary annexe and so I shall determine the appeal on that basis. Accordingly, the main issues are:
 - whether the development is ancillary to the main dwelling house;

- the effect of the development on the character and appearance of the area; and
- the effect of the development on the living conditions of the occupiers of 6 and 10 The Crossways, with reference to noise and disturbance.

Reasons

Whether the development is ancillary to the main dwelling

5. Given the limited size of the building, its position and proximity close to the main dwelling, the building operates as an integral part of 8 The Crossways. The lack of subdivision in the garden or a separate vehicular access is also indicative of the ancillary use.
6. Reference is made to the Council's Residential Extension Guidelines 2017¹ (SPG) which provides guidance on the use of outbuildings and advises that '*outbuildings may only be used in a manner incidental to the main house*'. However, the guidance also states '*usually primary living accommodation, such as a bedroom, bathroom or kitchen would not be allowed*'. The term 'usually', suggests there would be instances when such facilities may be considered appropriate, for example where limited harm is identified.
7. Whilst the building contains a kitchen, shower and bedroom and is capable of being used independently, the appeal details a residential annexe and not a separate dwelling. The Council and interested parties are concerned regarding potential for future attempts to subdivide the planning unit. However, if there was a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required, and the building could be at risk of enforcement action.
8. In this case a condition could be used to ensure that the use remains ancillary to the main property. This approach is consistent with part (d) of Policy SC7 of the London Borough of Hounslow Local Plan (LBHLP)², which advises that the Council will use '*planning conditions to prevent the use of outbuildings or extensions as self-contained dwellings*'.
9. For the reasons identified above, I conclude that the development is ancillary to the main dwelling. The development therefore complies with Policy SC7 of the LBHLP insofar as it seeks to prevent self-contained units in the curtilage of existing dwellings.

Character and appearance

10. The appeal site contains a semi-detached property towards the front of a rectangular plot. The character and appearance of the area is defined principally by residential properties, many of which have large outbuildings within the rear garden. General comings and goings are typically focused to the front of the properties, with more subdued and tranquil private garden spaces to the rear.
11. The use maintains the typical domestic, subservient character of an outbuilding within a rear garden, and has not entailed the subdivision of the plot, as a result it respects the character and appearance of the area.

¹ Adopted December 2017

² Adopted 15th September 2015

12. For these reasons, I conclude that the development has an acceptable effect on the character and appearance of the area. It therefore complies with Policies CC1 and SC7 of the LBHLP and the guidance contained within the SPG which requires development to maintain the character of an area and conserve qualities that contribute to its character.

Noise and disturbance

13. The outbuilding is positioned in the middle of the garden against the boundary with 10 The Crossways. Given the modest size of the annexe, and its use connected to the main dwelling, comings and goings are likely to be limited and typical for this residential area. In this case, the provision of a modest annexe, is unlikely to result in unacceptable noise and disturbance to surrounding properties.
14. For these reasons, I conclude that the development has had an acceptable effect on the living conditions of 6 and 10 The Crossways with reference to noise and disturbance. As such, it would not conflict with Policies CC2 and SC7 of the LBHLP or the guidance contained within the SPG, which require development to minimise harm to neighbouring properties.

Conditions

15. Given that the building has been erected a time condition is not required.
16. A condition restricting the use of the outbuilding is required to ensure that the building is used for its intended purpose, and to prevent potential negative impacts to the character and appearance of the area.

Conclusion

17. For the reasons given above the appeal should be allowed.

V Goldberg

INSPECTOR