



Appeal Decision

Site visit made on 12 May 2025

by **S Burch BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 June 2025

Appeal Ref: APP/F5540/D/25/3361355

181 Jersey Road, Isleworth, Hounslow TW7 4QJ

- 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 Sanjay Kohli against the decision of the Council of the London Borough of Hounslow.
- The application Ref is P/2024/3731.
- The development proposed is described as 'demolition of the rear existing garden shed and erection of a rear outbuilding.'

Decision

1. The appeal is allowed and planning permission is granted for 'demolition of the rear existing garden shed and erection of a rear outbuilding' at 181 Jersey Road, Isleworth, Hounslow TW7 4QJ in accordance with the terms of the application, Ref P/2024/3731, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three 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, Dwg No. 244-3EX-00; Proposed Site Plan, Dwg No. 244-3GA-01; Proposed Ground Floor Plan, Dwg No. 244-3GA-002; Proposed Roof Plan, Dwg No. 244-3GA-03; Proposed Elevations, Dwg No. 244-3GA-4; Proposed Sections, Dwg No. 244-3GA-05.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on Dwg No. 244-3GA-04.
 - 4) The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 181 Jersey Road, Isleworth, Hounslow TW7 4QJ.

Applications for costs

2. An application for costs was made by Mr Sanjay Kohli against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The case officer report references a number of emerging local plan policies. The decision notice however only cites policies from the adopted Local Plan. The Council are therefore not seeking to rely on any emerging local plan policies. Whilst emerging policies are material considerations, they are not determinative in this instance. I have determined the appeal accordingly.

Main Issues

4. The main issues in this appeal are the effect of the proposal on:
- the living conditions of neighbours, with particular regard to noise and disturbance; and
 - the character and appearance of the site and surrounding area.

Reasons

Living conditions

5. In addition to an office, gym and garden storage area, the proposal would include a bathroom. As such, the Council contend that the proposed outbuilding would not be incidental to the main dwelling and could be used as independent accommodation.
6. I find to the contrary. The inclusion of bathroom would allow for comfort breaks and provide the opportunity for showers for users of the office and gym area. Given that the proposal would lack other facilities such as a kitchen, living area or bedroom, I see no reason why the inclusion of a bathroom would necessarily result in the use of the building as a separate dwelling. Indeed, as it would also only be possible to access the outbuilding via the main dwelling, it would be unlikely that this arrangement would be compatible with the use of the existing dwelling.
7. Nevertheless, the Council is concerned that the activities associated with the proposed outbuilding close to the shared boundaries with 179 and 183 Jersey Road, and properties to the rear would harm the living conditions of neighbouring occupiers by virtue of disturbance and general activity within the vicinity of the outbuilding. However, given the modest size of the outbuilding and the fact that there would be no vehicular access or separate parking for the proposed building, I conclude that the comings and goings are likely to be very low key and typical for this residential area, particularly as the intended use is for home office working and a personal gym.
8. Overall, I conclude that the development would be incidental to the main dwelling and would not harm the living conditions of the neighbouring occupiers. As such, it would accord with Policies CC2 and SC7 of the London Borough of Hounslow Local Plan 2015-2030 (LP). These policies, amongst other matters, seek to prevent self-contained units in the curtilage of existing dwellings and ensure that development does not harm the living conditions of neighbours. I also find no conflict with Policy CC1 of the LP which seeks to ensure that development respects the character of surrounding areas. The scheme would accord with the aims and objectives of the Hounslow Character, Sustainability and Design Codes SPD (SPD) in this regard.

Character and appearance

9. The appeal site contains a semi-detached property towards the front of a rectangular plot. The site benefits from a large rear garden and there is a small existing garden shed to the rear of the site. The character and appearance of the area is defined principally by residential properties, many of which have large outbuildings within the rear garden. The site is located within Osterley Park Conservation Area (CA).

10. The case officer report outlines how as the proposed outbuilding would include primary living accommodation, this would harm the character and appearance of the site and surrounding area as the proposal would facilitate a separate dwelling in the rear garden.
11. As outlined above, I do not agree that the proposal would facilitate a separate dwelling. Moreover, the proposed outbuilding would be situated to the rear of the site, in a similar location to the existing shed. Given its modest size, it would be subordinate to the host dwelling and would retain ample garden space. Views from the street would also be extremely limited, if any, due to the outbuilding's positioning to the rear of the site and existing dwelling. Views from neighbouring dwellings would be limited given intervening boundary treatments, which includes fencing and vegetation. I note that the case officer report similarly outlines how due to the acceptable size of the proposal and the use of materials that are appropriate to the garden site, the proposal is considered acceptable in this aspect.
12. For the reasons outlined above, I conclude that the development would have an acceptable effect on the character and appearance of the site and surrounding area. It therefore complies with Policies CC1, CC2 and SC7 of the LP. Amongst other matters, these policies seek to ensure that development reflects the character of the surrounding area. It would also accord with the aims and objectives of the SPD in this regard.

Other Matters

13. The appeal site is within the Osterley Park Conservation Area (CA). The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
14. The Osterley Park Conservation Area Appraisal (CAA) sets out how the CA comprises six distinct character areas. The appeal site is located the Parkside Character Area. The CAA explains that for most of its length Jersey Road contains buildings of the early twentieth century and these are mostly detached or semi-detached. It goes on to state that the low density, larger gardens and trees continue the open aspect, which makes the opportunity for and sight of trees, and gaps between roofs, of particular value.
15. The Council have not raised any specific concerns regarding the schemes effect on the CA. Indeed, given the outbuilding would be subservient to the main dwelling and views would be extremely limited given its position to the rear of the site and existing dwelling, it would preserve the character and appearance of the CA.

Conditions

16. I have considered Paragraph 56 of the Framework, and the national Planning Practice Guidance and imposed the following conditions: in addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. I have also used a condition to ensure materials match those specified on the approved plans to maintain the character and appearance of the area.

17. The Council has brought to my attention that a condition regulating the use of the outbuilding would not be enforceable. They explain that it would be difficult to assess the use of an outbuilding to the burden of proof required in an enforcement case, especially given its position in the rear garden, which could require multiple site visits to determine use. The scheme however seeks permission for an outbuilding, not for a separate dwelling, and I have assessed it accordingly.
18. A condition to ensure that the building is used only for purposes incidental to the host dwelling is necessary to control other uses which may be unsuitable in this location is imposed. I have revised the Council's suggested wording of this condition where necessary to reflect the advice within the Planning Practice Guidance.

Conclusion

19. For the reasons given above, and taking into account all relevant matters raised, I conclude that the appeal should be allowed.

S Burch

INSPECTOR