



Appeal Decision

Site visit made on 27 August 2025

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2025

Appeal Ref: APP/M5450/W/25/3362492

137A Vaughan Road, Harrow, West Harrow HA1 4EF

- 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 Franco Malena against the decision of the Council of the London Borough of Harrow.
 - The application Ref is PL/2950/24.
 - The development is single story outbuilding in rear garden.
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Decision

1. The appeal is allowed, and planning permission is granted for a single story outbuilding in rear garden at 137A Vaughan Road, Harrow, West Harrow, HA1 4EF in accordance with the terms of the application, Ref PL/2950/24, and the plans submitted with it, subject to the following condition:
 - 1) The occupation of the outbuilding hereby permitted shall be limited to purposes incidental to the enjoyment of the residential use of 137A Vaughan Road, HA1 4EF and shall not be occupied as a separate self-contained dwelling.

Preliminary Matters

2. The appellant's name is taken from the appeal form as this is the correct spelling. I observed a development which appeared the same as that shown on the application plans. I have therefore determined the appeal on the basis that planning permission is sought to retain the development that has been constructed.

Main Issue

3. The main issue is whether the development will be used as a separate self-contained dwelling.

Reasons

4. The development comprises an outbuilding in the rear garden of 137A Vaughan Road and accommodates a room with basic kitchen facilities, including a sink and microwave, a small bathroom and a storage area. The development is used as a music studio both for practising and for teaching music students. I have no reason to doubt that the outbuilding will be used in this way and observed several musical instruments and associated equipment. On this basis, the development has a functional relationship with the existing residential use at No 137A, because its purpose is connected with the running of No 137A and the domestic activities of the persons living in it. There is no substantive evidence that the occupiers will not remain as a single household or that there would be a separate household within

the outbuilding. As such, despite the provision of facilities for independent day-to-day living, the purpose of the development is incidental to the use of No 137A.

5. Nevertheless, planning permission runs with the land irrespective of the circumstances of the existing occupiers. Given the separate side access and the basic facilities in the outbuilding it would be capable of being used as a self-contained dwelling. Used in this way, the development would reasonably be contrary to guidance in the Supplementary Planning Document (SPD) Residential Design Guide (2010) and the SPD Garden Land Development (2013) regarding the location of residential development, and the provisions of the National Planning Policy Framework (the Framework) that seek well designed places.
6. It is therefore necessary to restrict the use of the development through the imposition of a condition to ensure that it remains incidental to the residential use at No 137A. If the development was not used in this way, there would be a material change of use that would be readily noticeable given the dense urban environment of the locality, where increased activity with more comings and goings could lead to disturbance for neighbouring occupiers. The condition would therefore be enforceable, meeting the provisions of Framework paragraph 57.
7. In this regard, I agree with the findings of the Inspector in the Birchmead Avenue appeal¹, who found that an intensive form of residential use of an outbuilding, and the associated activity in a confined area would make the site distinct from a single household property. I have also been referred to another appeal decision² where the Inspector found that an outbuilding that included day to day facilities and a separate access did not comprise an ancillary use to the main dwelling. However, I have very limited details of that case and the circumstances are likely to be different to this development. In any event, I have reached my own findings based on the planning merits of this appeal scheme.
8. To conclude, the development will not be used as a separate self-contained dwelling and accords with Policy D3 of the London Plan (2021), Policy CS1 of the Harrow Core Strategy (2012) and Policy DM1 of the Harrow Council Development Management Policies Local Plan (2013). Amongst other things, these policies require development to enhance and respond to the existing character of a place to not harm the character of suburban areas, and to deliver appropriate amenity.

Conditions

9. The appeal site is associated with a flat and does not benefit from permitted development rights. The installation of new windows or doors would require planning permission and so a condition on this matter is not necessary.

Conclusion

10. For the reasons given above the proposal accords with the development plan, read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it. Therefore, I conclude that the appeal should be allowed.

F Harrison INSPECTOR

¹ APP/M5450/D/23/3323275

² APP/M5450/D/24/3341897