



Appeal Decision

Site visit made on 30 August 2011

by **P W Clark MA MRTPI MCMi**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 September 2011

Appeal Ref: APP/F5540/D/11/2157821
40 Oxford Road South, London W4 3DH

- 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 Mizanur Rahman against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00847/40/P1, dated 23 March 2011, was refused by notice dated 20 May 2011.
 - The development is a single storey "granny annex" to the rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey "granny annex" to the rear garden at 40 Oxford Road South, London W4 3DH in accordance with the terms of the application, Ref 00847/40/P1, dated 23 March 2011, subject to the following conditions;
 - 1) The development hereby permitted shall be carried out in accordance with the location plan date stamped by the Council 17 February 2011 and the two unnumbered drawings date stamped by the Council 29 March 2011, submitted as part of the application.
 - 2) No further work in pursuit of the development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall thence be carried out in accordance with the approved details.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the ground floor dwelling at 40 Oxford Road South, London W4 3DH.

Procedural matters

2. The development had been commenced, but not completed, at the time of my site visit so no condition requiring commencement is needed. It is variously described as a "kids' room", "storage" or "granny annex". There are water and power connections laid in. However it is described, I have treated it as accommodation ancillary to the ground floor dwelling at number 40 Oxford Road South. Condition 3, suggested by the Council, makes this clear.

Main Issues

3. There are two. One is its effect on the character and appearance of the Wellesley Road Conservation Area. The other is its effect on the living conditions of neighbours in terms of outlook.

Reasons

Character and appearance

4. The Council's Conservation Area Appraisal advises that its prevailing interest is in good Victorian architectural detailing. The Conservation Area is extensive but has a convoluted boundary, excluding developments of neutral or negative character. Two parts of Oxford Road South are so excluded. Those parts of Oxford Road South opposite the site but still within the Conservation Area are Edwardian or even 1930s in date and so, taken by themselves, have little cohesive or coherent character. This part of the street is dominated by the sheer brick cliff retaining wall of the elevated A4 trunk road which cuts through the Conservation Area at this point.
5. The front façade of number 40 manifests the interesting Victorian architectural detailing which is the main interest of the Conservation Area but its rear, and those of its neighbours, do not. These rear parts form the context of the site. Within this context, there are some garden sheds of various materials, with pitched roofs, but the buildings in the vicinity also display a collection of rear projections, constructed in a variety of materials and some with flat, or very shallow, pitched roofs.
6. What is under construction on site is simply a utilitarian structure which would not look out of place in this context. It does not follow all the Council's Residential Extension Guidelines which advise that detached outbuildings should have a roof style matching the existing house but, in context, that would cause no harm. Nor is it separated from the boundary by 1m all round. This would make it difficult to clad or render on all sides but it is screened by walls and fences on three sides so it not apparent that much harm would result. It would leave a garden of acceptable size for the ground floor flat.
7. The appeal development is unfinished and so, in its present state, unacceptably unattractive. On the application form, it is said that materials to be used in the external finish would match the existing. The Council suggests a condition to require those, in the event of the appeal being allowed. That would be unworkable because the outbuilding has been constructed in blockwork, implying an applied finish or cladding, whereas the rear of the main building on site is finished in stock bricks and its ground floor has a rear extension finished in stonework, so it would not be clear what finish the outbuilding would have to match. A submission of materials would be necessary, secured by condition, to achieve an acceptable finished appearance.
8. I conclude that the development, when completed, would cause no harm to, and therefore would preserve, the character and appearance of the Wellesley Road Conservation Area. It would comply with policies ENV-B.1.1(A1) and ENV-B.2.2 of the London Borough of Hounslow Unitary Development Plan (the UDP). These require development to relate to the character of adjacent townscape and to preserve the character of conservation areas. Policy H.6.4, referred to in the reason for refusal, refers to extensions and alterations rather than outbuildings and so has little relevance to this appeal scheme.

Living conditions

9. Land rises towards the rear of the site and also along Oxford Road South from south to north. In consequence, the ground floor of number 42 is about 1 m below that of number 40 and so the outbuilding the subject of this appeal would occupy an elevated position in relation to dwellings to the south.
10. Because the appeal site lies on the inside of a bend, the rear of the appeal site and those of neighbouring houses to the south of the site focus on a common point at the ends of their gardens, where the development is sited. Because of its elevated position, the appeal building would be directly in the line of sight of a number of neighbouring buildings. In its present, unfinished, state it does not provide a pretty outlook. Nevertheless, it is at a sufficient distance from the rear of neighbouring properties for that outlook not to be oppressive or unacceptable. Tall, close boarded fencing along the boundary of the site screens much of the building from view at ground level.
11. As constructed, but not finished, on site, it has window openings in its sides. These would contravene the Council's guidelines. They would overlook their neighbours and be intrusive. They would not be acceptable. These windows are not shown on the drawings. To allow the Council to ensure that the building would be completed without windows in its sides a condition is imposed to require compliance with the drawings.
12. With this condition in place, I conclude that the proposal, when finished, would not result in unacceptable living conditions for neighbours. It would comply with the spirit of UDP policy ENV-B.1.1(A5) which does not specifically refer to outlook but otherwise safeguards the interests of neighbours' amenities.

P. W. Clark

Inspector