

Appeal Decision

Site visit made on 6 December 2016

by K E Down MA (Oxon) MSc MRTPI MRSB

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

Decision date: 14 December 2016

Appeal Ref: APP/R5510/D/16/3160306

140 High Street, Harlington, Hayes, UB3 5DW

- 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 Virk against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 61722/APP/2016/1355, dated 29 March 2016, was refused by notice dated 13 July 2016.
 - The development proposed is erection of a detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached garage at 140 High Street, Harlington, Hayes, UB3 5DW in accordance with the terms of the application, Ref 61722/APP/2016/1355, dated 29 March 2016, 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 plan: Dwg No 01A dated March 2016.
 - 3) The building hereby permitted shall not be used or occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 140 High Street, Harlington, Hayes, UB3 5DW.

Main Issue

2. There is one main issue which is the effect of the proposed garage on the character and appearance of the surrounding area, including the Harlington Village Conservation Area.

Reasons

3. The appeal site lies within the Harlington Village Conservation Area (CA), a designated heritage asset under the National Planning Policy Framework (NPPF) which advises that when considering the impact of a proposed development on the significance of the asset, great weight should be given to its conservation.
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4. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty requiring special regard to be had to the desirability of preserving or enhancing the character or appearance of a CA.
5. The Harlington Village CA covers much of the High Street and is characterised by a mixture of commercial and residential properties of various ages and design and includes within it the Grade II listed White Hart pub as well as various modern buildings.
6. The appeal site lies on the corner of High Street and Victoria Lane and the dwelling is clearly visible in the street scene. There is an existing outbuilding in the rear garden which is set back from the street and substantially hidden by the boundary wall and gate.
7. The proposed garage would occupy the same corner of the garden as the outbuilding but would have a larger footprint, amounting to about 38m² and extending some 2.5m further into the garden and towards the side boundary with Victoria Lane. It would be higher than the existing outbuilding, at some 3.49m to the ridge. Nevertheless, the overall scale would not be excessive. It would be set back behind the front building line of adjacent houses in Victoria Lane and much of the structure would be hidden from the public realm by the high boundary wall and gate.
8. Therefore, although visible in the street scene the building would not be unduly prominent. It would have the character and appearance of an outbuilding and would lie close to other garages and outbuildings. Although somewhat larger than these it would not appear out of scale or incongruous in this location. Moreover, it would remain subservient to the host dwelling and nearby dwellings in Victoria Lane.
9. For these reasons I consider that the proposed garage would preserve the character and appearance of the Harlington Village CA. Further, owing to the separation distance, there would be no effect on the setting of the Grade II listed White Hart pub. In reaching this view I have attributed considerable importance and weight to the duty to have special regard to the desirability of preserving the character and appearance of the CA and attached great weight to the conservation of the heritage assets.
10. I have had regard to an earlier appeal decision, ref APP/R5510/D/15/3136069, relating to a garage at the appeal site which was dismissed on 20 January 2016. However, that proposal was for a significantly larger structure that incorporated a store and gym and was set on a similar building line to dwellings in Victoria Lane, making it noticeably more prominent in the street scene. I am therefore satisfied that there is a clear distinction between that earlier scheme and the appeal proposal now before me.
11. The proposed garage would be in general conformity with guidelines for outbuildings set out in the adopted Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Residential Extensions, 2008. It would be located closer to the boundary shared with 138 High Street and the rear boundary than is recommended in the HDAS. However, the existing outbuilding is already close to the side boundary and well separated from the dwelling at No 138 and the rear boundary opens onto a vehicular

access serving other garage outbuildings. Therefore the proximity to boundaries would be acceptable in this case.

12. It is concluded on the main issue that the proposed garage would have no materially detrimental effect on the character or appearance of the surrounding area and would preserve the character and appearance of the Harlington Village CA. In consequence there would be no conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (adopted November 2012) or with Policies BE4, BE13, BE15 and BE19 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27th September 2007. Taken together these policies expect new development to preserve or enhance the character or appearance of conservation areas through high quality design and layout which harmonises with the existing street scene and complements the character of the area.
13. Turning to other issues, neighbouring occupiers express concern that the proposed building could be used as a separate dwelling and reference is made to this in evidence by the Council. However, the building as applied for has no kitchen or bathroom and so could not without significant alteration be used for independent living. Moreover, it would be below the minimum size required for a one bedroom flat as set out in The London Plan (2015). I am not therefore persuaded that the outbuilding is intended for use as a dwelling. Nevertheless, in view of its separate access from Victoria Lane which would allow the potential for a separate use, it would be reasonable to impose a planning condition restricting the building to uses ancillary to the main dwelling. Although the Council did not suggest such a restriction it is referred to in evidence by the appellant.
14. A further concern is raised regarding the potential drainage of rainwater into the private driveway to the rear. However, I see no reason why suitable drainage could not be accommodated within the appeal site.
15. Various other matters are raised regarding past occupation and use of the main dwelling and the efficiency of the Council in dealing with planning and enforcement matters. However, these do not alter my conclusions on the main issue.
16. In addition to the statutory commencement condition, the Council suggests one further condition requiring the development to be carried out in accordance with the approved plan. I agree that this would be necessary in order to protect the character and appearance of the surrounding area, including the CA.
17. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

KE Down
INSPECTOR