
Appeal Decision

Site visit made on 6 December 2016

by B Bowker Mplan MRTPI

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

Decision date: 6 January 2017

Appeal Ref: APP/R5510/D/16/3160629
21 Parkfield Avenue, Uxbridge UB10 0DF

- 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 R Jhuti against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 31591/APP/2016/1937, dated 20 May 2016, was refused by notice dated 21 September 2016.
 - The development proposed is demolition of existing garage and store at rear of garden and erection of games room and gym with pitched roof.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing garage and store at rear of garden and erection of games room and gym with pitched roof, at 21 Parkfield Avenue, Uxbridge UB10 0DF, in accordance with the terms of the application 31591/APP/2016/1937, dated 20 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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 (1:1250), Block Plan (1:500), Drawing No 01 Rev A, Drawing No 02.
 - 3) The proposal hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 21 Parkfield Avenue, Uxbridge UB10 0DF.

Preliminary Matter

2. An amended plan, Drawing No 01 Rev A, has been submitted as part of the appeal and involves the removal of internal walls. I consider the changes proposed to be minor and the Council have had an opportunity to comment on the amended plan. I do not believe that any party would be unfairly prejudiced by my determining of the appeal with regard to the amended plan and I have done so on this basis.

Main Issue

3. The main issue is whether the proposal would amount to an independent dwelling and if so, the effect this would have on the living conditions of neighbours residing at nearby properties.
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Reasons

4. The appeal site comprises a mid-storey terraced property with two detached garages to the rear. The garages abut a lane that is overgrown and unlit. A number of detached outbuildings serving surrounding properties also abut the rear lane. Security gates are at either end of the lane.
5. The Council highlight two decisions relating to permitted development appeals in support of refusing planning permission. However, as the appeal before me relates to a refusal of planning permission, the referenced cases are not directly comparable. Nonetheless, these decisions are still of some use in guiding assessment of ancillary use.
6. The appellant considers that the proposal would not exceed the footprint of the original dwelling, and based on what I saw during my site visit, I agree. Moreover, I note that the proposal would be roughly only 5 square meters larger than the existing garages. The exercise equipment and gaming equipment illustrated in the proposed plan also demonstrates that the size of the outbuilding is not unreasonable for what is being proposed.
7. The outbuilding would be used as a games room, gym and would contain a shower room with toilet. I note that the outbuilding would not contain any bedrooms, a kitchen or a living room that would enable it to operate as an independent dwelling. Furthermore, the outbuilding would be located close to the main dwelling and would not contain any openings onto the rear lane. In any event, the lane is unlikely to provide a useable access for occupants of a dwelling. The outbuilding would share existing parking and access arrangements with the main terraced dwelling. Consequently, based on the evidence before me, the proposed outbuilding would not amount to an independent dwelling.
8. It follows that as the proposal would not amount to an independent dwelling, the Council's concern regarding overdevelopment and the character of the use in relation to the living conditions of neighbours is unfounded. However, in this light, an appropriately worded condition is necessary to ensure that the outbuilding remains ancillary in use to the main dwelling.
9. Therefore, I conclude that the proposal would not amount to an independent dwelling and therefore would not have a harmful effect on the living conditions of neighbours residing at nearby properties. Consequently the proposal meets the requirements of saved Unitary Development Plan Policies BE19, BE21, BE23 and BE24 and paragraph 9.4 of the Design and the Accessibility Statement Supplementary Planning Document which are of most relevance to this matter. Combined, these policies require this type of proposal to be ancillary in use to the main house, compliment the character of the area and not result in the loss of neighbouring residential amenity.

Conditions

10. The conditions above are based on those suggested by the Council. A condition specifying the relevant drawings is necessary to provide certainty. A condition relating to the ancillary use of the building is necessary based on my reasoning outlined in paragraph 8.

Conclusion

11. For the reasons given above, and having taken all matters raised into account, I conclude the appeal should be allowed subject to the noted conditions.

B Bowker

INSPECTOR