
Appeal Decision

Site visit made on 18 April 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 2 May 2017

Appeal Ref: APP/R5510/D/17/3170727
27 Austin Waye, Uxbridge UB8 2RQ

- 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 Dean Previdi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72230/APP/2016/3519, dated 20 September 2016, was refused by notice dated 13 December 2016.
 - The development proposed is a single storey outbuilding to the rear to be used as accommodation ancillary to the main dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the amenity of surrounding residents
 - The effects of the proposal in relation to flood risk
 - The effects of the proposal on the character of the area.

Reasons

The effects on the amenity of surrounding residents

3. The proposal envisages the erection of an outbuilding within the rear garden of this semi-detached house. The proposed building would be 4.5m in width, 12m in length and 2.7m high. The proposal indicates that there would be a narrow gap between the building and 3 sides of the garden boundary.
4. Although the garden is long, it is relatively narrow, as are the gardens of neighbouring properties. The garden is divided from the neighbouring gardens by wooden fences of around 1.7m height. I consider that the size of the proposed building would mean that it would be readily visible from the neighbouring gardens, above the fences and with the likely removal of the vegetation in this part of the appeal site. Taking account of its height and length, the proposal would appear large and dominating and out of character within this rear garden context. Whilst I noted other outbuildings within the area, these were generally far more modest in scale and do not have the same unacceptable effect as I consider the proposal would have. The one large

building that I could see from the rear only serves to reinforce my view that such buildings can have unacceptable effects on the area and neighbours.

5. In addition, the proposal shows windows in the side elevations facing over the neighbouring rear gardens. These would serve the proposed bedroom and the kitchen/living room. In my view, these would give the opportunity for clear and intrusive overlooking of the neighbouring gardens which would have an unacceptable effect on the privacy of neighbours. I do not consider that a requirement for these windows to be of obscure glazing would be reasonable as it would have an unacceptable effect on the intended residents of the proposal. As a consequence of these matters, the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part 1-Strategic Policies and Policies BE13, BE15 and BE19 of the Hillingdon UDP Saved Policies.

Flood Risk

6. The appeal site sits within an area identified as being Flood Zone 2 and where the Council states that the area is low lying and at risk from surface water flooding. The planning application was not accompanied by any assessment of the risk from flooding but the appeal papers include a completed form template produced by the Environment Agency (EA) relating to *'Householder and other minor extensions in Flood Zones 2 and 3'*. The appellant stresses that the proposal is not for a separate dwelling and that the proposed additional floorspace can be seen as a household extension.
7. The National Planning Policy Framework (the Framework) indicates that a site specific flood risk assessment is required for all proposals for new development (including minor development and change of use) in Flood Zone 2. I note that the appellant's submitted EA form template stresses that the form should be used for extensions and it should not be used if "...an additional dwelling is being created, eg. a self contained annex." Whilst I acknowledge that the appellant seeks to create a granny annex, it seems to me that the use of the building, in relation to the risk from flooding, may be viewed as a self contained annex, although there is some ambiguity. In addition, the EA form advises applicants that the form should be completed and that additional supporting information relating to floor levels, flood proofing/resilience and resistance techniques should be included and these matters will form the Flood Risk Assessment. From what I have before me, it appears that the appellant has simply filled in the form and has provided none of the additional information. Therefore, even if the proposal is taken as a household extension, there is insufficient information to conclude that the development and its intended occupiers will not be at an unreasonable risk from flooding. Therefore, the proposal is contrary to Policy EM6 of the Hillingdon Local Plan: Part 1-Strategic Policies and Policies 5.12, 5.13 and 5.15 of the London Plan.

The effects on the character of the area

8. The Council is concerned that the proposal represents a separate dwelling which would be unacceptable in the area. However, the appellant indicates that it would be occupied by elderly family members related to the occupiers of the main house. In my view, notwithstanding its size and the fact that it would contain a bedroom, bathroom and a kitchen/living room, it would not necessarily become a separate planning unit but would be part and parcel of the main dwellinghouse, if it is occupied in the manner set out by the appellant. Therefore, in relation to this issue only, I do not consider that the

proposal would necessarily represent a separate dwelling. Its occupation in any other manner could be controlled perhaps through the use of an appropriate condition or by means of requiring a planning application, if necessary. Therefore, I find no harm in relation to this issue.

Conclusion

9. Although I have agreed with the appellant that the proposal would not necessarily represent the creation of a separate dwelling, I have found harm arising from the effects of the proposal on the living conditions of neighbours and in relation to the risk from flooding. I have considered the specific personal circumstances set out by the appellant but find these to be insufficient to outweigh the more general planning merits of the case. Therefore, the appeal is dismissed.

S T Wood

INSPECTOR