
Appeal Decision

Site visit made on 30 May 2017

by L J O'Brien BA (Hons) MA

a person appointed by the Secretary of State for Communities and Local Government

Decision date: 22 June 2017

Appeal Ref: APP/R5510/D/17/3171456

35 Hemmen Lane, Hayes, UB3 2JH

- 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 G Brar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 45365/APP/2016/3749, dated 10 October 2016, was refused by notice dated 29 December 2016.
 - The development proposed is described as "retention of outbuilding used as home gym, games room and household item store".
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Preliminary Matter

1. At the time of my site visit the outbuilding had been constructed and appeared to be in accordance with the submitted plans. I have determined the appeal on the basis of the submitted plans and my observations on site.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this appeal is the effect of the development on the character and appearance of the host dwelling and the wider area.

Reasons

4. The appeal property, No 35 Hemmen Lane, is a two-storey end-of-terrace dwelling set back from the road behind a small garden area. A strip of hardstanding runs along the side of the property and a pair of gates provides access to the garage and rear garden area beyond. There is an existing rear extension which spans almost the entire width of the dwelling. The remaining rear garden area is more or less totally paved.
 5. The outbuilding, which is the subject of this appeal, is a single-storey, flat-roofed building of brick construction. The outbuilding is situated at the end of the rear garden, facing the rear of the property, and abuts the side boundary with the neighbouring property.
 6. The outbuilding occupies a substantial proportion of the garden area to the rear of the host dwelling. Due to the scale of the outbuilding, its height and the lack of a set-in from the side boundary the structure appears disproportionately large and has the effect of dominating the small garden area of the property.
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The flat roof accentuates the bulk of the structure. Furthermore, the building combines with the rear extension and the existing garage to give the appeal site a cramped and cluttered appearance with three separate buildings (the main dwelling, the garage and the outbuilding) visually competing with each other.

7. Whilst I acknowledge that other buildings in the vicinity, such as that to the rear of the outbuilding, are of red-brick construction the juxtaposition of the red-brick with the variety of other materials within the confined area of the appeal site further emphasises the incongruous appearance of the structure and the lack of visual cohesion across the site. I note the appellant's offer to render the outbuilding. Whilst this would help to allay the specific concerns I have outlined regarding the materials; overall, this change would not be sufficient to mitigate the harm I have identified above.
8. I recognise that, in theory, a similar outbuilding could be built under permitted development (PD) rights. Indeed, the parties agree that a Certificate of Lawful Development, issued by the Council in 2011 certified that a similar outbuilding would be PD.
9. The existence of PD rights provides a fall-back position against which to consider the relative harm caused by what has been built. However, the outbuilding that could be built as PD would be smaller than that which has actually been built. Whilst the difference in height may appear minimal it would nonetheless ensure that any outbuilding of this nature would appear less prominent and have a less harmful impact on the character and appearance of the area than that in situ.
10. For the reasons outlined above, I conclude that the development causes unacceptable harm to the character and appearance of the host dwelling and the wider area. The proposal would consequently fail to accord with the aims of policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies and policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (LP). Amongst other things, these policies seek to ensure that development improves and maintains the quality of the built environment and provides a high quality of design which harmonises with, and makes a positive contribution to the local area.
11. The development also fails to accord with the guidance set out in the Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions, 2008 (SPD). The SPD states that detached outbuildings should be set-in from the boundary by at least 0.5 metres and should have external materials which reflect those used in the existing house.
12. I am aware of the Council's concerns regarding the use of the outbuilding as a separate dwelling. However, the appellant has made it clear that this is not the purpose of the structure and any such use does not form part of the proposal before me. In any event, any future use of this nature would require a separate planning permission and I am confident that the Council has adequate enforcement powers to take action should any unauthorised use take place.
13. I therefore see no conflict with policies AM14, BE21, BE23 and BE24 of the LP or the SPD insofar as they relate to the treatment of the outbuilding as a separate dwelling. Amongst other things these policies seek to protect residential amenity and to ensure that adequate parking provision is provided for dwellings.

14.I noted the outbuilding at the neighbouring property during my site visit.

However, each case must be treated on its own merits and the precise detailing and design of that outbuilding is different to that at the appeal site. I also acknowledge the appellant's arguments regarding the limited views which are available of the extension. However, the outbuilding can be seen from the road, albeit only partially, and in any event this is not sufficient to overcome the harm I have identified.

15.Having regard to my conclusions on the main issue and all other matters raised, including the lack of objections from local residents, I conclude that the appeal should be dismissed.

L J O'Brien

APPOINTED PERSON