
Appeal Decision

Site visit made on 27 June 2017

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 24 July 2017

Appeal Ref: APP/R5510/D/17/3176060

61 Wimborne Avenue, Hayes, Middlesex UB4 0HH

- 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 Anoup Matharu against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 56313/APP/2016/3643, dated 1 October 2016, was refused by notice dated 24 February 2017.
 - The development proposed is described as the existing garage and workshop buildings will be demolished and replaced with a detached outbuilding. The new outbuilding will consist a recreation room, shower room, office and storage rooms.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey outbuilding to the rear for use as office/storage involving the demolition of existing garage/workshop to the rear at 61 Wimborne Avenue, Hayes, Middlesex UB4 0HH in accordance with the terms of the application, Ref 56313/APP/2016/3643, dated 1 October 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: DRG-GEN-PLN-000 Rev. A; DRG-GEN-PLN-001 Rev.B; DRG-GEN-PLN-002 Rev.C; DRG-GEN-PLN-003 Rev.B; DRG-GEN-PLN-004 Rev. C.
 - 3) No development above foundation level shall commence until details/samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details/samples.
 - 4) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling at number 61 Wimborne Avenue, Hayes.

Procedural Matters

2. The Council changed the description of application Ref 56313/APP/2016/3643 from that contained on the application form to 'a single storey outbuilding to the rear for use as office/storage involving the demolition of existing garage/workshop to the rear'. This is a more accurate description of the
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development proposed which I have therefore used in the determination of this appeal.

3. The plans provided by the appellant differ from those considered by the Council in the determination of the application. The appellant suggests that amended plans were sent to the Council on 22 December 2016 but the Case Officer incorrectly assessed these to show the proposed development as being the same size, scale and height as the original plans submitted. The revised plan (Drawing Ref DRG-GEN-PLN-003 Rev C) shows the width of the proposed development as being 5.0m as oppose to 5.5 m on the plan submitted with the application (Drawing Ref DRG-GEN-PLN-003 Rev B).
4. I note that the revised plans would result in the floor area of the proposed development being reduced to 60sqm as oppose to 66sqm as shown on the original plans. However, on the basis of the Council's Delegated Report it is clear that only the original plans were considered by the Council. I have no other evidence to suggest that Council considered the revised plans in the determination of the planning application. Consequently, I am obliged to determine this appeal on the basis of those plans that were considered by the Council in the determination of the planning application.

Main Issues

5. The main issues are:

- The effect of the development on the character and appearance of the surrounding area.
- The effect of the development on the living conditions of the occupants of neighbouring properties with particular regard to outlook.

Reasons

Character and appearance

6. The appeal site comprises part of the rear garden of a semi-detached property located on the eastern side of Wimborne Avenue and is currently occupied by a garage. Most properties on this side of the street have relatively long rear gardens that have garage/outbuilding structures of varying size, design and construction materials with both pitched and flat roofs that are located at the end of the garden. Vehicular access to these buildings is via an access track that runs along the rear of the gardens from Dorchester Waye. There is no consistency in the appearance of these garages and outbuildings. In most cases these buildings occupy a considerable width of the rear garden.
7. The proposed development would involve the demolition of the garage and the construction of a 4m high pitched roof outbuilding that would be 12m in length and extend to the rear boundary of the garden. The side elevations would be set in from the adjacent property boundaries of Nos 59 and 63 by approximately 0.6m. It would be used as an office/recreation room/store, and would have a small shower room included. The Council suggest that the property would retain approximately 155sqm of private amenity space on completion of the development.
8. The Council has referred to the guidance provided in the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document -

Residential Extensions (2008) (HDAS) which provides design criteria for the assessment of proposed outbuildings in Section 9.0. The HDAS suggests that such buildings should be positioned as far away from the house as possible; set in from the boundaries by at least 500mm; the ridge should not be higher than 4m; windows must only be placed on the elevation facing the main house and 100m² of useable garden space should remain for a 4 bedroom house.

9. Other than the proposed provision of a small obscurely glazed window in the north elevation that would face towards the side flank of the garage at No 59, the proposed outbuilding would appear to meet the requirements of the design criteria as set out in the HDAS. Although the Council has referred to a preferred limiting floor area threshold of 30sqm, I agree with the appellant that this is not prescribed in the design criteria of Section 9.0 of the HDAS.
10. Whilst the outbuilding would have a large footprint, the substantial length of the garden, along with the significant length of the adjacent rear gardens on this part of Wimborne Avenue, means that an ancillary building of this scale can be absorbed into its surroundings without resulting in a cramped or overdeveloped appearance. The proposed building would not be significantly different in size, position or appearance to the outbuilding recently erected at No 75 Wimborne Avenue. I also observed at my site visit that several properties on Dorchester Way had relatively large outbuildings.
11. The proposed outbuilding would not be visible in the street scene. Although it would be visible from the rear of nearby properties on Wimbourne Avenue, its appearance would be in the context of the character of the variety of outbuildings that already exist at these properties and a very large area of rear garden would remain undeveloped. Its limited height would prevent it from becoming a dominant feature in the immediate vicinity.
12. Taking the above factors into account, the proposed development would not cause significant harm to the character and appearance of the surrounding area. As such, there would be no conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (2012) or Saved Policies BE13, BE15 and BE19 of the Hillingdon Unitary Development Plan – Saved Policies (2007) (UDP). These policies, amongst other things, require that development should complement the character of an area, should harmonise with the street scene and should not constitute inappropriate development of gardens that would erode the character of suburban areas.

Living conditions

13. The existing outlook from the rear of nearby properties on Wimborne Avenue is over rear gardens towards a variety of outbuildings. Although the proposed outbuilding would be positioned closer to the rear of the host building than the existing garage, a relatively significant length of rear garden would remain. Consequently, it would not cause any overshadowing or loss of light.
14. Given the intervening distance between the rear of nearby properties and the facing (front) facade of the proposed outbuilding, outlook from these properties would not be compromised to an extent that would warrant the dismissal of this appeal. Furthermore, the general character of views comprising of outbuildings at the end of gardens would remain largely unchanged.

15. The proposed building would have glazed doors facing the rear of the host property. Given the intervening boundary treatment between adjacent properties comprising of close boarded timber fencing, views into the gardens of adjacent properties from the outbuilding would not be of a limited extent that would not cause any loss of privacy.
16. Consequently, the proposed development would not cause any significant harm to the living conditions of the occupants of neighbouring properties. It would not therefore conflict with Saved Policy BE21 of the UDP. This policy states that planning permission will not be granted for new buildings that would result in a significant loss of residential amenity.

Other matters

17. I have taken into account the concerns of the Council that, given the floor area of the proposed outbuilding, it could be considered as tantamount to the creation of a separate dwelling in a location where a new dwelling would be unacceptable. Although I understand these concerns, the fact remains that the proposed development is described as being used for residential activities ancillary to the main house. I have no evidence to suggest that its intended use is for any other purpose. In any event, any proposed future alternative use would be subject to relevant planning legislation and policies that may be applicable at that time. Consequently, as the appeal before me is for an ancillary outbuilding only and for no other purpose, I attach little weight to these concerns.

Conditions

18. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans and that its use is ancillary to use of the host property. These are in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed a condition concerning the external materials to be used.

Conclusion

19. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR