
Appeal Decision

Site visit made on 2 August 2017

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

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

Decision date: 8 August 2017

Appeal Ref: APP/R5510/D/17/3177474
20 Keith Road, Hayes, UB3 4HW

- 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 Shamshor Ali against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 16421/APP/2017/758, dated 1 March 2017, was refused by notice dated 24 April 2017.
 - The development proposed is retrospective planning application for an outbuilding built for storage, playroom and gym purposes to serve the owners of the household only.
-

Decision

1. The appeal is allowed and planning permission is granted for an outbuilding built for storage, playroom and gym purposes to serve the owners of the household only, at 20 Keith Road, Hayes, UB3 4HW, in accordance with the terms of the application Ref 16421/APP/2017/758, dated 1 March 2017, and the plans submitted with it, subject to the following condition:

The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 site location plan, 01 of 02, 02 of 02.

Main issues

2. The main issues are the effect of the outbuilding on the character and appearance of the area and on the living conditions of neighbouring residents.

Reasons

3. The appeal property is a two storey semi-detached house with a full width rear dormer loft extension and a small single storey rear extension. It is in a well established residential area of relatively high density.
4. The outbuilding the subject of this appeal has been constructed in line with the submitted plans, but had not been finished at the time of my visit. It occupies the full width of the rear garden at the southern end, furthest from the house. It is approximately 2.7m high, with a flat roof.
5. The policies relevant in this case include the following. Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (the local plan) requires, among other things, that new development should be of a high quality of design. Saved policies BE13 and BE15 of the London Borough of Hillingdon Unitary Development Plan 2007 (the UDP) seek to ensure that development,

including extensions, harmonises with and complements the existing street scene and character of the area and the scale of the original building. UDP policies BE19, BE20, BE21, BE23 and BE24 seek to protect the amenities of existing and neighbouring residents. Policy AM14 relates to parking provision.

6. I consider that the outbuilding does not amount to a visually obtrusive form of development in this location. It has a relatively low profile because of the flat roof, and is sited at the end of the rear garden in a similar manner to and on a similar building line to those of several other outbuildings visible in the immediate vicinity. It is constructed of materials similar to those of the main house. It is partially visible from the side in Albert Road above the boundary wall between No. 18 and Albert Road, but is no more obtrusive in the street scene here than the garages and outbuildings of Nos. 6-16 Keith Road. Rather, it appears as a continuation of that pattern of development.
7. I conclude that the outbuilding does not harm the character and appearance of the area and that it is consistent with local plan policy BE1, UDP policies BE13 and BE15 and the HDAS.
8. Although the outbuilding abuts the boundaries on both sides and has a relatively large footprint, I consider that it does not have a harmful effect on the residential amenities of either the existing occupiers of No. 20 or the neighbours on either side. It will not cause unacceptable overshadowing of the neighbouring properties and activities in and around the building would not cause any more disturbance or loss of privacy for those neighbours than normal use of the garden. The private garden at No. 20 remains adequate.
9. The building is not compliant with the Hillingdon Design and Accessibility Statement Supplementary Planning Document *Residential Extensions* 2008 (the HDAS) in respect of its proximity to the boundaries, but is otherwise consistent with it insofar as it is less than 3 metres high, uses similar materials to that of the main house and has openings only facing the house. In my view the domestic nature of the openings is appropriate to an ancillary outbuilding to be used for the stated uses of storage and leisure. These uses are referred to in the HDAS as normal domestic uses related to the residential use of the main house. I note that there was one comment regarding the retrospective nature of the application but that the immediate neighbours raised no objections.
10. I conclude that the outbuilding does not harm the living conditions of the neighbouring residents and that it is consistent with UDP policies BE19 and BE21 and the HDAS.
11. The appellant intends to use the building for storage and a playroom and gym for family use. The Council is concerned that it could be used as a separate dwelling. In my view, although it has a relatively large footprint compared to that of the original main house, it is not excessive in size either in itself or in comparison to the overall floor area of the house as a whole. It is clearly subordinate to the main house and is of a size appropriate for a variety of domestic uses incidental to the enjoyment of the house.
12. It may be technically capable of providing accommodation equivalent to that of a dwelling separate from the house, but I consider this to be unlikely, given that there is no independent access to it and it can only be reached through the house. The appellant has stated that the building is to be used to serve the

owners of the household only and as such, in my view, it would be ancillary to the residential use of the house. In any case, its use as a separate dwelling in the future would require planning permission which would be considered in the light of policies and guidance in force at the time and all other circumstances.

13.I conclude that the building is not tantamount to a separate dwelling and is not in conflict with UDP policies AM14, BE13, BE15, BE19, BE20, BE23 and BE24 or the HDAS.

14.For the reasons given above, the appeal is allowed.

Conditions

15.I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. The development is substantially complete, though not finished. The condition requiring the development to start within three years is therefore unnecessary as is the condition relating to the materials since it refers to the external fabric. I consider that a condition detailing the plans is necessary to ensure the development is finished in accordance with the approved plans and for the avoidance of doubt.

PAG Metcalfe

INSPECTOR