
Appeal Decision

Site visit made on 20 February 2018

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2018

Appeal Ref: APP/R5510/W/17/3180370
7 Stainby Close, West Drayton UB7 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Raj Ballari against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 65690/APP/2017/404, dated 3 February 2017, was approved on 29 March 2017 and planning permission was granted subject to conditions.
 - The development permitted is single storey rear extension and conversion of garage to habitable use involving alterations to front elevation, involving removal of garden sheds (Retrospective).
 - The condition in dispute is No 2 which states that: Within 1 month of the date of this decision, the two garden sheds shown to be removed on the approved plan No. 16/118/03 Rev. A shall be removed from the site, and shall not be replaced.
 - The reason given for the condition is: To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).
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Decision

1. The appeal is allowed and the planning permission Ref 65690/APP/2017/404, for single storey rear extension and conversion of garage to habitable use involving alterations to front elevation, involving removal of garden sheds (Retrospective) at 7 Stainby Close, West Drayton UB7 9NH, granted on 29 March 2017 by the London Borough of Hillingdon is varied by deleting condition 2 and substituting for condition 1 the following condition.
 - 1) The development hereby permitted shall be carried out in complete accordance with the details shown on the submitted plan, drawing number 16/118/03 Rev. A, except that there is no requirement that the two existing garden sheds shall be removed.

Main Issue

2. The reasoning for Condition 2 makes reference to the Development Plan but provides no specific reason for the condition. However, the Council's Statement indicates that the condition is necessary to ensure adequate amenity space provision for the present and future occupants of the appeal property.
3. Accordingly, the main issue is whether condition 2 is necessary and reasonable to safeguard amenity space for the present and future occupants of the appeal property.

Reasons

4. The appeal property is a four bedroom semi-detached dwelling with a single storey rear extension. The amenity space for the appeal property comprises a rear garden, which incorporates a patio, synthetic lawn area and a hardstanding used for the siting of two sheds. The appeal site falls within the West Drayton Conservation Area (CA) and backs onto allotments.
5. Policy BE23 of the Hillingdon Local Plan Part two (Saved UDP Policies) (Local Plan: Part Two) seeks to ensure all new residential development and extensions provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed building in terms of its shape and siting.
6. The Council's Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential Extensions (Residential Extensions SPD) provides design guidance for different types of extensions to dwellings. This also states that sufficient garden space should be retained as a consequence of an extension, which for a 4 bed house is at least 100 square metres.
7. I find the Council's aims for securing maximum amenity space for the appeal property laudable. However, in this particular case, although the bedrooms at the appeal property have increased from 3 to 4, this is by utilising the existing floor area of the dwelling. Furthermore, there is no evidence of the overall garden area being significantly reduced as a consequence of the approved and implemented planning permission Ref 65690/APP/2017/404.
8. The two sheds are used for the storage of garden equipment and toys. These are common uses for sheds in gardens, incidental to the enjoyment of a dwellinghouse.
9. The appellant has also confirmed that the rear garden area is sufficient to meet the needs of his family and also advises that there are two play areas within walking distance of the appeal site where children can play under supervision. The Council also acknowledges that the appeal site is within walking distance of a public recreation ground and that in such circumstances some shortfall would be considered acceptable.
10. Moreover, the area used for the siting of the sheds is of a modest size, approximately 13 sq. m and located at the back of the garden. Consequently, the sheds do not interfere with use of the remaining garden area, which is regular in shape.
11. Also, in my judgement, given their modest size the sheds could be removed if they were no longer required or more garden space was needed. Similarly, future occupants could also choose to retain or remove the sheds.
12. For the above reasons, I am not persuaded that the removal of the existing sheds through condition 2 is necessary or reasonable to safeguard amenity space for the present and future occupants of the appeal property.
13. I therefore, conclude that, notwithstanding the shortfall compared to the SPD standard, the amenity space is sufficient to protect the amenity of the occupants of the appeal property in terms of its shape and siting. Consequently, I find no conflict with Policy BE23 of the (Local Plan: Part Two).

Other Matters

14. The two sheds at the appeal property are of a domestic appearance and scale, and largely screened by existing boundary treatments. Having regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am satisfied that the sheds preserve the character and appearance of the CA, and cause no harm to the significance of this designated heritage asset.

Conclusion

15. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.
16. I also note that condition 1 of planning permission Ref 65690/APP/2017/404, requires the development to be undertaken in accordance with drawing number 16/118/03 Rev. A. However, this drawing with reference to the two garden sheds states: 'Existing garden sheds to be removed'. Consequently, condition 1 in its current form would be in conflict with the deletion of the disputed condition. Therefore, I have also substituted condition 1 for an alternative condition, to address this conflict. Since this is entirely consistent with the substance of this appeal, there can be no injustice to either party as a result of this change.

M Aqbal

INSPECTOR