



Appeal Decision

Site visit made on 20 June 2019

by Mark Caine BSc (Hons) MTPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th July 2019

Appeal Ref: APP/R5510/D/19/3225701

131 Shakespeare Avenue, Hayes, UB4 0BQ

- 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 Kevin Fernando against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23231/APP/2019/238, dated 22 January 2019, was refused by notice dated 18 March 2019.
 - The development proposed is described as "Demolishing two existing sheds in the back garden and erecting a single storey outbuilding with the maximum height of 2.5 meters".
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Decision

1. The appeal is allowed and planning permission is granted for demolishing two sheds in the back garden and erecting a single storey outbuilding at 131 Shakespeare Avenue, Hayes, UB4 0BQ in accordance with the terms of the application, Ref 23231/APP/2019/238, dated 22 January 2019, 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: Location Plan; Drawing No: 131SHA-001 Rev A; and Drawing No: 131SHA-002 Rev -.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The name of the applicant is given as Mr Kevin in the original planning application form, but the appellant's details are specified as Mr Kevin Fernando in the submitted appeal form. However, an email has been submitted to confirm that Mr Kevin Fernando is the appellant and I have therefore used this name in the banner heading above.
3. Notwithstanding the description of development set out in the final bullet header above, which is taken from the application form, it is clear from the plans and accompanying details before me that the proposal's parapet would be taller than 2.5 metres in height. I have therefore amended the description

of the development, omitting this measurement, in my decision as it more accurately describes the proposal.

Main Issues

4. The main issues are the effect of the development proposed on the character and appearance of the dwelling and surrounding area, and on the living conditions of the residents of 129 and 133 Shakespeare Avenue, with particular regard to outlook and privacy.

Reasons

Character and appearance

5. The appeal relates to one half of a pair of two-storey semi-detached hipped roof dwellings that are located in a predominantly residential area. The immediate surroundings are characterised by similar semi-detached properties that are set out in a linear pattern and have long rear garden areas that abut open fields. Many of these garden areas are populated by mature trees and contain a number of outbuildings that vary in their size, shape and design.
6. The proposal would be positioned to the back end of the appeal dwelling's long rear garden area. The Council consider that it would have an excessive and significantly larger footprint than the original dwelling. However, the proposal would be relatively narrow, only of a single storey height and would be separated from the house by a considerable distance.
7. I also recognise that the proposal would be sited in close proximity to the site boundaries and approximate 1.8 metre high fencing. The pitched roof and some brickwork would therefore be visible from neighbouring dwellings and their rear garden areas. However, this would not be of a dissimilar size and scale as some of the other outbuildings that are located in neighbouring rear garden areas.
8. As a result of these factors I do not consider that the size, scale and bulk of the proposed development would compete with the main two-storey dwelling or appear obtrusive in its context. I therefore find that it would respect the existing pattern of development and would not have a materially harmful effect on the character and appearance of the dwelling or the surrounding area. It would therefore not conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 and Policies BE13, BE15 and BE19 of the of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). These require, amongst other matters, for development to complement or improve the character of the area. It also does not conflict with the Council's adopted Supplementary Planning Document HDAS: Residential Extensions (SPD), which requires extensions to appear subordinate to the scale of the original building.

Living conditions

9. It is acknowledged that windows within the south west side elevation of the proposal would face the rear garden area of 129 Shakespeare Avenue. Nonetheless, the rear garden area of the appeal dwelling is enclosed by approximate 1.8 metre high boundary fencing and I consider that this would not only prevent a substantial amount of overlooking and undue loss of privacy

occurring, but would act as an effective screen to views of most of the building. Whilst the proposal would be of a substantial length, the flat and shallow pitched roofs would help to reduce any sense of bulk and overall prominence. In light of these factors, and the considerable length of the garden plots, I do not consider that the proposal would appear overly intrusive or unacceptably overbearing from Nos 129 and 133 or their rear garden areas.

10. As such I find the development proposed would not have a materially harmful effect on the living conditions of the residents of 129 and 133 Shakespeare Avenue with particular regard to outlook and privacy. It would thereby not conflict with Policies BE19, BE21 and BE24 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and advice contained in the SPD which seek to safeguard residential amenity.

Other matters

11. I have been made aware that previous applications for a detached outbuilding on this site referred to a prayer room and that this has not been included in the appeal proposal. Nonetheless, this has not had a bearing on the determination of this appeal as I have considered the proposal on the basis of its own planning merits and the evidence before me.
12. I am also mindful of the local resident's concern that the grant of planning permission would set a precedent. However, as noted above, each application and appeal must be determined on its individual merits, and I have found the proposal to be acceptable for its own specific reasons. As such I do not consider that a generalised concern of this nature justifies withholding permission in this case.

Conditions

13. I have considered the planning conditions suggested by the Council. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty and that a condition relating to materials is necessary in the interests of character and appearance.
14. For the reasons given above, the appeal should therefore be allowed.

Mark Caine

INSPECTOR