



Appeal Decision

Site visit made on 16 July 2019

by D H Brier BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2019

Appeal Ref: APP/R5510/C/18/3211130

land at 218 Swakeleys Road, Ickenham, Uxbridge UB10 8AY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by His Excellency Abdullah Al Hamoud Al-Sabah against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The enforcement notice was issued on 10 August 2018.
- The breach of planning control as alleged in the notice is the development of an outbuilding with attached decking.
- The requirements of the notice are:
 - (i) Demolish and remove the outbuilding with attached decking from the land.
 - (ii) Remove from the land all debris, waste, building materials, plant equipment and machinery resulting from the demolition works.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is allowed, the notice is quashed, and planning permission is granted on the deemed application.

Appeal on Ground (a) and the Deemed Application

1. The development in question is in the grounds of a detached house which stands on the eastern side of the junction of Swakeleys Road and Harvil Road. The site lies in the Green Belt and, according to the Council, is also within the Colne Valley Park.
2. Planning policies for the area are contained in the Council's Local Plan (HLP) and the Saved Unitary Development Plan (SUDP). Reflecting the National Planning Policy Framework (The Framework) strict controls upon development in the Green Belt apply by virtue of the policies contained in the 2 plans.
3. I consider the main issues are, firstly, whether the proposal is inappropriate development in the Green Belt and secondly, whether the openness of the Green Belt and the character and appearance of the area would be adversely affected.
4. On the first issue, while the Framework indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate, paragraph 145 lists a number of exceptions, one of which, (d), is the replacement of a building, provided that the new building is in the same use and is not materially larger than the one it replaces. This approach is reflected in the first part of SUDP Policy OL4.

5. Both parties refer to the building being enforced against having replaced 2 previous outbuildings, as opposed to one, but I consider it reasonable to view the development in question in the above policy context nonetheless. According to the Council, the "large" outbuilding replaces 2 smaller ones which covered a smaller footprint. That said, the only evidence before me regarding the size of the previous structures is the extent of the footprint of what is described as 'existing building', indicated in red on the block plan appended to the appellant's appeal statement¹. As what is shown on this drawing has not been called into question by the Council, I am inclined to attach a good deal of weight to it.
6. Judging by what is indicated, it seems to me that any increase in site coverage attributable to the building in question is, at most, fairly marginal. Moreover, the red line 'footprint' appears to encompass virtually all of the area now taken up by the wooden decking that has been installed in front of the appeal building. No indication of what the previous structures were used for has been given, but having regard to their apparent location relative to No.218, and from what I saw on site, it seems highly likely that they were associated with the residential use of No.218, as the appeal building also appears to be.
7. The foregoing factors lead me to conclude that in this particular instance, the development in question does not constitute inappropriate development in the Green Belt.
8. Turning to the second issue, as I have found the difference in site coverage between the previous and current structures to be marginal at most, my view is that any perceptible loss of the essential openness of the Green Belt has been minimal. While I have no information about the height and massing of the previous structures, there is nothing to indicate that the development in question has resulted in, to use the words of SUDP Policy OL4 (i), a "disproportionate change in the bulk and character of the original building".
9. I acknowledge that the appeal site as a whole encompasses what appears to be large grass paddock to the north of the appeal building as well as No.218 and the immediate surrounds of the house. However, judging by what is indicated on the block plan, to paraphrase Policy OL4 (ii), I do not consider the built up nature of the part of the appeal site where the building is located, that is relatively close to No.218 and the other associated outbuildings to the east of the house, has been increased significantly.
10. As regards the Colne Valley Park, notwithstanding the paddock area referred to above, my impression was that the character of the part of the appeal site where No.218 and the building in question are located has a much closer physical affinity with the residential area that lies to the west of Harvil Road and to the south of Swakeleys Road than it does with the large swathe of countryside to the north. In other words, by contrast with the salient features of what the Council refer to as 'character area C3', No.218 and its associated outbuildings, including the building in question, appear as components of the built-up area of Ickenham. As such, the character of the house and its immediate surrounds, including the appeal building, is essentially urban. Accordingly, therefore, I do not consider the development in question constitutes an encroachment into the countryside, nor does it impinge upon, or detract from, the landscape qualities of character area C3.

¹ Appendix 2 to the appellant's Statement of Appeal – Drawing No. (00) _001.

11. The roof and upper part of the western flank wall of the building can be seen from Harvil Road. However, most of it is hidden from view by the high boundary wall that runs along the western edge of this part of the site and which, at this point, is set well back from the road, from which it is separated from it by an area of greenery. And, the greenery that flanks the eastern side of the stretch of Harvil Road to the north tends to obscure the presence of the building when it is approached from that direction. As a result, the building does not appear as an unduly strident feature in the local street scene and I therefore see no conflict with SUDP Policy BE13. The same applies to Policy BE21 – indeed, no claim is made that the living conditions of any of the neighbours have been adversely affected.
12. Just why the building is deemed not to accord with the Council's Supplementary Planning Document HDAS: Residential Layouts has not been expressly elaborated upon. Although outbuildings are referred to in this document, nothing that I have seen or read causes me to believe that this guidance has been contravened.
13. My conclusion on the second issue is that neither the openness of the Green Belt, nor the character and appearance of the area would be adversely affected. Insofar as both main issues are concerned, I see no conflict with either the provisions of the development plan or The Framework.
14. As to the conditions suggested by the Council, the exterior of the building has been completed in a manner which is compatible with its surrounds, including the main body of No.218. I therefore see no need for details of external finishes and the like to be submitted for approval. Given the physical relationship of the building to No.218, I agree that restricting its use to one incidental to the house is reasonable, indeed, such a suggestion is also made on behalf of the appellant. I shall therefore attach a condition on these lines accordingly.
15. For the reasons given above, I conclude that the appeal should succeed on ground (a) and planning permission will be granted. The appeal on ground (f) does not therefore need to be considered.

Other Matters

16. I have taken into account all the other matters raised, but none are sufficient to outweigh the considerations that have led me to my conclusions.

Formal Decision

17. I allow the appeal and direct that the enforcement be notice quashed. I grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of an outbuilding with attached decking on land at 218 Swakeleys Road, Ickenham, Uxbridge UB10 8AY referred to in the notice subject to the condition that:

The building hereby approved shall be used solely for purposes incidental to the enjoyment of No.218 as a dwellinghouse and for no other purpose.

D H Brier

Inspector