



Appeal Decision

Site visit made on 24 April 2019

by J Evans BA(Hons) AssocRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2019

Appeal Ref: APP/R5510/W/19/3221497

11 Court Drive, Hillingdon UB10 0BL

- 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 Davinder Johal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 39528/APP/2018/3757, dated 24 October 2018, was refused by notice dated 11 January 2019.
 - The development proposed is described as the erection of detached garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of detached garage at 11 Court Drive, Hillingdon UB10 0BL in accordance with the terms of the application, Ref 39528/APP/2018/3757, dated 24 October 2018, subject to the following condition:
 - 1) Within 3 months of the date of this decision, a scheme of landscaping shall be submitted to and approved in writing by the local planning authority. The scheme shall include measures for the protection and retention of the boundary hedge and means of enclosure between the appeal site and Court Drive. Thereafter the development shall be carried out and maintained in full accordance with the approved details, and the boundary hedge and means of enclosure shall be retained, maintained and shall not be removed or reduced in height, without the prior written consent of the local planning authority.

Procedural Matters

2. The description on the planning application form, the decision notice and the appeal form refer to the appeal proposal as 'retrospective'. At the time of my visit the garage had been constructed. Section 73A of the Town and Country Planning Act 1990 (the Act) makes allowance for the submission of a planning application for development which has been carried out before the date of the application.
3. Section 55 of the Act describes development as the carrying out of building operations or the making of material changes of use rather than the retention of works or the continuation of a use. I have, therefore, omitted the words 'retrospective' from the description of the proposal and consider the appeal on the basis that it is for the erection of detached garage.

Main Issues

4. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt; and
- the effect of the proposal on the character and appearance of the area, including the Hillingdon Court Park Area of Special Local Character (the ASLC), with particular regard to its siting, size, scale and bulk.

Reasons

Green Belt

5. The appeal proposal relates to a detached garage with a single pitched roof set against the front garden boundary of the detached dwelling 11 Court Drive, Hillingdon. The northern edge of the appeal site falls within the Metropolitan Green Belt.
6. Paragraph 133 of the National Planning Policy Framework (2019) (the Framework) outlines the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework, at paragraphs 145 and 146, sets out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. This includes the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
7. The proposal is for a modest garage, which is of a limited scale, is only partially within the Green Belt boundary and is separated from the wider Green Belt by an intervening domestic enclosure. I therefore consider that the proposal would represent an alteration within the grounds of an existing building, being the host property 11 Court Drive, that would not result in disproportionate additions over and above the size of the original building. It would therefore not be inappropriate development in the Green Belt. My conclusions on this point align with those of the Council, who have confirmed through the appeal submissions that the appeal proposal was not refused as a result of the effects upon the Green Belt.

Character and Appearance

8. The appeal site forms part of a pleasant residential environment, whereby the dwellings along this section of Court Drive front towards and overlook Hillingdon Court Park opposite. The appeal site forms part of the ASLC which circles around Hillingdon Court Park.
9. The Council contend that the garage, by reason of its siting to the front boundary of the site and due to its size, scale and bulk, is visually prominent and represents an overly dominant and incongruous feature which is detrimental to the visual amenity of the street scene and the wider ASLC.
10. Policy BE1 and of the Hillingdon Local Plan: Part One - Strategic Policies (2012) (The HLP Part 1) and saved policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (2012) (The HLP Part 2), amongst other matters, require that new developments should achieve a high quality of design

which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place.

11. Saved Policy BE15 of the HLP Part 2 relates specifically to alterations and extensions to existing buildings and supports proposals where they harmonise with the scale, form, architectural composition and proportions of the original building.
12. Policy HE1 of the HLP Part 1 explains that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and wider historic landscape, which includes, amongst other things, locally recognised historic features such as the ASLC. Saved policy BE5 of the HLP Part 2 requires that development within the ASLC should harmonise with the materials, design features, architectural style and building heights predominant in the area.
13. The Council have also referred to the Supplementary Planning Document HDAS: Residential Extensions (2008) (the HDAS). Section 9.0 of the HDAS relates to detached outbuildings and explains that in order to prevent harm to the character and appearance of the area and the amenity of adjoining properties, an outbuilding should be positioned as far away from the main house as possible and should be set in from the boundaries by at least 0.5m.
14. From my visit to the site and the surrounding area it was noted that the garage is sited behind an established boundary hedgerow with a low-level brick wall at its base. This hedgerow limits views of the appeal building from outside of the site, with the structure only openly visible from an angled view through the driveway entrance where the front elevation to the building can be viewed. This represents a transient glimpse into the site, where the appeal building is viewed in the context of the adjacent hedgerow and the built form of the two-storey dwelling on The Close set behind to the east.
15. From wider views in the area, including from Hillingdon Court Park it is difficult to see the appeal building. Where this is possible it is only a small upper section of the building that is visible, which is set behind the hedgerow and against the backdrop of other built form.
16. As a consequence, due to the limited visibility of the development, as a result of the boundary enclosure and its modest scale, size and bulk, I find that the appeal development acceptably integrates into its context and no harm arises to the character and appearance of the area or the ASLC.
17. Whilst I acknowledge that the appeal building is closer to the site boundary than the 0.5m referred to in the HDAS, for the reasons identified above, I am satisfied that the proposal is acceptable in this regard and otherwise aligns with the direction in the HDAS to locate outbuildings away from the host dwelling.
18. I therefore conclude, subject to the implementation of a condition concerning the submission of a landscaping scheme that requires the existing boundary hedgerow and means of enclosure fronting towards Court Drive to be retained and maintained, that the development would accord with policies BE1 and HE1 of the HLP Part 1, policies BE5, BE13, BE15 and BE19 of the HLP Part 2 and the HDAS.

Conditions

19. As the appeal is retrospective there is no requirement for a condition imposing a time limit to commence the development. I have also not imposed the suggested condition by the Council with regard to the submission of materials, colours and finishes of the garage for the same reason.
20. As outlined earlier, I consider a condition is necessary requiring the submission of a landscaping scheme, which specifies the retention and maintenance of the boundary between the appeal site and Court Drive.

Conclusion

21. For the reasons given above, having regard to all matters raised, I conclude that the appeal should be allowed.

J Evans

INSPECTOR