



Appeal Decision

Site visit made on 8 October 2019

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2019

Appeal Ref: APP/R5510/D/19/3233410

72 Turnpike Lane, Uxbridge, London UB10 0AJ

- 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 Shane Grey against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74642/APP/2019/729, dated 15 March 2019, was refused by notice dated 25 April 2019.
 - The development proposed is construction of garage for car and tool storage at rear garden.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of garage for car and tool storage at rear garden at 72 Turnpike Lane, Uxbridge, London UB10 0AJ in accordance with the terms of the application, Ref 74642/APP/2019/729, dated 15 March 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: site location plan and Proposed Site Plan Drawing No. 02.
 - 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 dwelling.

Procedural Matter

2. My attention has been drawn to the Hillingdon Local Plan Part 2 – Development Management Policies with modifications (March 2019) (the emerging Plan). As I understand it, the emerging Plan has largely completed its examination in public and is progressing towards adoption. However, given that it is not adopted I cannot give it full weight in my decision.

Main Issues.

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupiers of 73 Turnpike Lane and 16 Amberley Way with particular regard to outlook; and

- whether the development would continue to provide suitable living conditions for the current and future occupiers of the host dwelling with particular regard to the extent of useable external amenity space.

Reasons

Character and Appearance

4. The appeal site is located at the end of a short terrace of two-storey houses set in an area of both modern housing and flats and more traditional dwellings. The appeal site is positioned adjacent to a detached garage block and its rear garden backs onto the residential terraces of Amberley Way and a private car parking forecourt. The area contains green spaces and has a sense of openness to its environment. The appeal property is attached to 73 Turnpike Lane and the terrace consists of a staggered building line pattern to the front and rear.
5. The proposed garage would be positioned to the back of the garden and would be capable of accommodating a small vehicle with additional space inside, although no turning facilities or external hardstanding has been indicated on the submitted plans.
6. At my site visit I saw that garages are a common feature of the area, and it is also significant that there is a garage block located close to the appeal site. Whilst the scale of this proposal is noticeably smaller, and would be located in a garden environment, it would not appear out of character with the surrounding area.
7. It coming to that view I acknowledge that the footprint of the garage is not too dissimilar to the footprint of the existing dwelling. Notwithstanding that, it would sit at a reasonable distance away from the back of the house and perpendicular to it, and would not be seen to compete with the size of the host dwelling. Whilst this would not accord with the provisions of Policy DMHD 2 of the emerging Plan, given that this plan is not adopted I consider that this is not a determinative factor in this case.
8. Furthermore, whilst the garage would be visible above the boundary fence, the use of a flat roof would ensure it appears less pronounced within the streetscene. This, together with the existing garden perimeter landscaping would also provide a screening element to the development. Additionally, the use of matching materials to the host dwelling would allow the garage to harmonise with the host dwelling and the neighbouring houses.
9. I have also had regard to the Council's Design and Accessibility Statement (HDAS) Supplementary Planning Document 2008 (SPD) Residential Extensions. This advises that outbuildings should be set in from boundaries by at least 500mm, on the basis of preventing overshadowing to adjacent neighbours and, including other criteria, be designed with similar materials to those of the main dwelling. In this case, the garage would not give rise to any significant overshadowing and taking this into account it is not essential that the proposal is set in from the property boundaries in the manner outlined in the SPD.
10. The Council have referred to Policy BE15 of the London Borough of Hillingdon UDP Saved Policies (2007) (UDP) in its reason for refusal. However, this policy relates to alterations and extensions to existing buildings which is not what the development before me is. I therefore give this policy very little weight in my decision.

11. For the above reasons, the development would not harm the character and appearance of the area and would accord with Policy BE1 of the LP and Policies BE13 and BE19 of the UDP which amongst other matters seek to ensure that all new development improves and maintains the quality of the built environment including, harmonising with the streetscene in terms of layout, form and scale, and complements or improves the amenity and character of the area.

Living Conditions – occupiers of neighbouring properties

12. At my site visit I saw that there was dense landscaping along the party boundary with No 73. The rear ground floor and first floor windows of this dwelling look onto this buffer with both gardens retaining privacy due to the existing landscaping. The proposed garage would not be highly visible from the garden through this strong landscaping buffer and its distance away. The existing staggered building line to the rear would also prevent full view of the proposed garage from the ground and first floor windows.
13. Taking these factors into account, along with the low height of the garage building, I consider the outlook from No 73 would not be unduly compromised by the proposal.
14. Turning to the effect on the occupiers of 16 Amberley Way, this property sits perpendicular to the back garden of the appeal site. The front windows of No 16 overlook an open plan front garden with a parking area beyond. There is a dense hedge separating the two sites which would screen the majority of the development from the occupant's outlook. Whilst the upper part of the garage would be visible, I consider that this extent of development would not have a harmful impact on the occupiers' outlook as it would not be visually dominant or intrusive.

Living Conditions – occupiers of the host dwelling

15. The development would inevitably reduce the amount of garden space available to serve the host dwelling. The appellant sets out that the remainder of the garden would be acceptable in size to meet the London Plan standards.
16. Even though there would be an element of hardstanding required for vehicles to access the garage, I consider the remaining garden area would be an acceptable size to meet the reasonable expectations of the occupiers. That is to say the space would be of a size to allow occupiers enough space to carry out domestic activities one would normally expect for a two-bed house.
17. Therefore, bringing all living conditions matters together, I find that there would not be a harmful impact on the living conditions of the neighbouring occupants or to those in the host dwelling. Consequently, the development would accord with Policies BE19, BE21 and BE23 of the UDP which amongst other matters seek to ensure that development complements or improves the amenity of the area, would not result in a significant loss of residential amenity and that external amenity space is sufficient to protect the amenity of the occupiers of the host dwelling. It would also accord with the living conditions aims of emerging Policy DMHD 2 which sets out that outbuildings should not compromise the amenity of neighbouring occupiers.

Conditions

18. I have considered conditions in light of the Planning Practice Guidance and Paragraph 55 of the Framework. In addition to the standard time limit condition, a condition relating to the approved plans is necessary to provide certainty, and a condition in relation to materials is reasonable in order to protect the character and appearance of the area.

Conclusion

19. For the reasons above, I conclude the appeal should be allowed.

Alison Scott

INSPECTOR