



Appeal Decision

Site visit made on 4 December 2019

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th December 2019

Appeal Ref: APP/R5510/D/19/3239644

17 Grange Road, Hayes UB3 2RP

- 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 H Noori against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 12540/APP/2019/1518, dated 7 May 2019, was refused by notice dated 30 July 2019.
 - The development proposed is a single storey outbuilding to rear for use as gym/storage room and gates to front.
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Decision

1. The appeal is dismissed insofar as it relates to the gates to the front. The appeal is allowed insofar as it relates to a single storey outbuilding to rear for use as gym/storage room and planning permission is granted for a single storey outbuilding to rear for use as gym/storage room at 17 Grange Road, Hayes UB3 2RP in accordance with the terms of the application, Ref 12540/APP/2019/1518, dated 7 May 2019, and the plan numbered 17GR/P200 Rev B, subject to the following condition:
 - 1) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as number 17 Grange Road, Hayes, UB3 2RP

Main Issues

2. The main issues are:
 - (i) whether the development would preserve or enhance the character or appearance of the Hayes Village Conservation Area (HVCA);
 - (ii) the effect of the development on the living conditions of the occupants of nearby dwellings, with particular regard to outlook; and
 - (iii) the potential for the outbuilding to be used as an independent dwelling and any associated effects.

Reasons

Character and appearance

3. The appeal relates to a detached dwelling in a largely residential suburban area. The gates and an outbuilding have already been implemented. Both appear to reflect the submitted plans in relation to their scale and appearance.

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The Hayes Village Conservation Area Appraisal (CAA) suggests the significance of the HVCA is derived from the age and variety of historic buildings, the interconnected areas of open space and woodland, historic associations with George Orwell and the former rural village character of the area that has been retained. The significant features of Grange Road are the wide grassy verges, the brick wall which is set back along the western side of the road, the locally listed Cottage Hospital and the contributions of the open space and public buildings in the vicinity of the site.
5. The gates are constructed of grey metal panels with frosted glass inlays. They are about 1.8m in height and are set between two brick piers. Owing to the considerable width of the frontage, the gates constitute large and highly prominent structures in a sensitive location on the edge of the road. The site sits opposite the wall which runs between Grange Road and Wood End, which is identified in the CAA as a significant feature of the street. Neither the materials used, nor the colour of the gates, represent a sympathetic addition to the street scene in this location. Moreover, their excessive height results in an unduly intrusive and overbearing feature. This is emphasised by the largely open nature of most driveways along Grange Road.
6. While the wall provides some screening, this is not enough to fully mitigate the unacceptable harm caused to the quality of the street scene. They also compete with and detract from the wall running along Grange Road, which positively contributes to the character of the area. I therefore find that the gates are large and discordant features that cause material harm to the character and appearance of the area.
7. The outbuilding is sited at the end of a long and spacious rear garden. It is a relatively large flat roofed building which takes up the full width of the garden. It has two doors to the front which provide access to three separate rooms. These are identified on the plans as a gym, shower room and store room. I have considered the appeal on this basis. Similar outbuildings of differing sizes are evident in neighbouring gardens.
8. The Hillingdon Design and Accessibility Statement Supplementary Planning Document (HDAS) (2008) states that flat roofed outbuildings should be no taller than 3 metres and should leave a significant amount of private garden space. The development exceeds the height requirement, but there is a substantial amount of remaining garden. In the context of the scale of the main dwelling, the size of the garden and the degree of separation that exists between the development and other dwellings, the building does not appear unduly intrusive or dominant in the space.
9. The outbuilding is only visible from the private views of neighbouring properties. Considering similar buildings in neighbouring gardens, the development is unlikely to appear as a discordant or incongruous feature. There are no views of the building from the street and thus there would be no impact on features of significance within the HVCA or on Grange Road. I am not therefore persuaded that in this context the building is harmful to the character and appearance of the site or the wider area.

10. In coming to this conclusion, I have noted the supporting text of emerging Hillingdon Local Plan: Part Two – Development Management Policies with Modifications (2019) (LP2DMM). This Plan is at a late stage in its preparation and thus carries substantial weight. This states that, as a general guide, outbuilding should be no larger than 30 square metres. The development is larger than this, but this is not a maximum in the policy and the context of the site must be considered. I am satisfied that the garden is of sufficient size to ensure that the building does not appear disproportionately large.
11. In conclusion, I find that the gates fail to preserve the character and appearance of the HVCA. This conflicts with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (LP1) (2012), Policies BE4, BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (LP2) (2012), Policy 7.8 of the London Plan (2016) and the HDAS. Amongst other things, these policies seek to ensure development does not result in harm to heritage assets and maintains the quality of an area. The gates would also conflict with LM2DMM policies DHMB1 and DHMB2, which seek to protect local character and preserve or enhance heritage assets.
12. I would characterise the harm to the significance of the HVCA as 'less than substantial'. In such circumstances, paragraph 196 of the National Planning Policy Framework requires the harm to be balanced against the public benefits of the development. I shall return to this in the 'planning balance' below.
13. I am satisfied that the outbuilding serves to preserve the character and appearance of the HCVA and does not conflict with any of the policies listed above. There is also no conflict with LP2DMM Policy DMHD2, which seeks to ensure outbuildings are proportionate to the footprint of the host dwelling. While there is conflict with the HDAS in terms of height, I do not consider this would lead to material harm.

Living conditions

14. As noted above, the outbuilding sits at the end of a large garden. It is sited well away from the rear elevations of any dwelling on Grange Road and Queens Road. Although it would be visible above the boundary treatments of neighbouring dwellings, it is not an unduly domineering or intrusive structure. Neither its location nor scale is likely to result in an unacceptable impact on the outlook from the rear windows or garden space of neighbouring dwellings or those which back onto the site.
15. I am satisfied therefore that the development does not conflict with LP2 policies BE19, BE23 or BE24. There would also be no conflict with LP2DMM Policy DMHD2. These policies seek, amongst other things, to ensure outbuildings do not compromise the amenity of neighbouring occupiers.

Independent dwelling

16. The Council has raised concerns over the potential for the outbuilding to be used as an independent dwelling. The reason for refusal also assumes impacts that would occur if the building was used in this way. However, there is no indication that the application is for a separate dwelling or an intention to use it as such. I must consider the appeal based on what is before me and what is proposed.

17. Should the appellant wish to use the building as an independent dwelling, then a separate planning permission would be required. The Council would be able to assess the implications of this at that time. The Council has also suggested a condition which would ensure the use of the building would remain ancillary to the main use.
18. I note that emerging LP2DMM Policy DMHD2 indicates that bathrooms would not be permitted in outbuildings. The plans suggest the building could contain a WC and shower. However, I am not persuaded by what is before me that a these could not be used in an ancillary manner to the main dwelling. In addition, this does not alter the fact there would be a need for some further assessment from the Council before the building could be used as a separate dwelling.
19. As such, there is insufficient evidence to withhold planning permission for the outbuilding on this basis. In this context, there is no conflict with LP2 policies BE19, BE23 or BE24, which seek to protect local character and the amenity of future and nearby occupants. There would also be no conflict with LP2DMM Policy DMHD2 which seeks to ensure outbuildings shall be used for a purpose incidental to the enjoyment of the main dwelling.

Other Matters and Planning Balance

20. The appellant argues that the gates are necessary to provide privacy and security. However, there is nothing before me to suggest that similar benefits could not be achieved with a less harmful form of development. Moreover, these are largely private benefits for the appellant. As such, these do not outweigh my concerns over the impact on the heritage asset.
21. I have noted letters of support, but these do not alter my conclusion that the gates are harmful. There are therefore no public benefits or material considerations that outweigh my concerns.
22. As two parts of the development are clearly severable, I am satisfied that a split decision allowing the outbuilding but dismissing the gates is appropriate.

Conditions

23. As the development has already taken place, there is no requirement for conditions relating to timescales or to ensure the development is carried out in accordance with the approved plans. However, in the circumstances of this appeal, I consider it necessary to impose the suggested condition on the restricting the use of the building to be ancillary to the main dwelling. This will provide certainty.

Conclusion

24. For the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

S J Lee

INSPECTOR