
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: 16 December 2019

Appeal Ref: APP/R5510/D/19/3239699

99 Sipson Road, West Drayton UB7 9DJ

- 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 Pritpal Batra against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71999/APP/2019/2237, dated 26 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed was originally described as retrospective – single storey flat roof rear garden outbuilding, used as a gym room with a WC and a garden store room.
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Decision

1. The appeal is allowed and planning permission is granted for single storey flat roof rear garden outbuilding, used as a gym room with a WC and a garden store room at 99 Sipson Road, West Drayton UB7 9DJ in accordance with the terms of the application, Ref 71999/APP/2019/2237, dated 26 June 2019, and the plan numbered 99 001, 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 99 Sipson Road, West Drayton, UB7 9DJ.

Preliminary Issues

2. The appellant has questioned whether the development requires planning permission. However, this is not a matter for me to determine in the context of an appeal made under section 78 of the Town and Country Planning Act 1990. It is open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act. Any such application would be unaffected by my determination of this appeal.
3. I have amended the description of development in the formal decision above to remove the superfluous reference to 'retrospective'.

Main Issues

4. The main issues are (i) the effect of the development on the character and appearance of the area, and (ii) the potential for the outbuilding to be used as an independent dwelling and any associated effects.

Reasons

Character and appearance

5. The appeal relates to a semi-detached dwelling in a predominantly residential location. The outbuilding has already been constructed in accordance with the submitted plans and I have considered the appeal on this basis.
6. The outbuilding is sited at the end of the garden and takes up almost its full width. There is no doubt that the building constitutes a relatively large and solid structure. There were no signs of similar buildings in the vicinity of the site. However, this in itself does not necessarily result in harm to the character and appearance of the area. However, the remaining area of garden is relatively large and thus the building does not appear cramped in the space. The host dwelling also appears to have been extensively altered. As a result, the outbuilding does not appear unduly large or domineering in comparison.
7. The impact on the character of the area would also be mitigated to a significant degree by the fact the building is not visible from the public domain. It would therefore have no particular impact on the street scene. The height of the building is such that while it is visible above the boundary walls, it is not so tall as to be a dominant, overbearing or intrusive feature when viewed from neighbouring gardens. It is also well separated from other dwellings. As such, any impact on the character of the area is very localised.
8. Therefore, while not necessarily typical of garden outbuildings in the immediate vicinity of the site, I am not persuaded that it is unacceptably harmful to the character of the host dwelling or the surrounding area. In coming to this conclusion, I have noted the supporting text of the 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 it 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 in comparison to the main house.
9. In conclusion, I therefore find no conflict with Hillingdon Local Plan: Part One – Strategic Policies (LP1) Policy BE1 or policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two – UDP Saved Policies (LP2) or the Hillingdon Design and Accessibility Statement Supplementary Planning Document (SPD). These seek, amongst other things, to ensure development respects the character of the area. The development also does not conflict with emerging Policy DHMD2 which seeks to ensure outbuildings are proportionate to the footprint of the host dwelling.

Independent dwelling

10. 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.

11. 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.
12. 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. The ability to access the outbuilding separately from the main house also does not mean that it will be used independently of the main dwelling. Nevertheless, these factors do 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.
13. The harm referred to in the officer report and decision notice all stem from the Council's concerns of what would occur if the building were used as a separate dwelling. However, as this is not the proposal before me, I cannot conclude that there would be conflict with LP2 policies AM14, BE13, BE15, BE19, BE21 and BE23. These policies seek, amongst other things, to ensure development would provide sufficient parking, amenity space and would not result in harm to the living conditions of future or neighbouring occupants.

Conditions

14. 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

15. For the reasons given above I conclude that the appeal should be allowed.

S J Lee

INSPECTOR