



Appeal Decision

Site visit made on 21 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2020

Appeal Ref: APP/R5510/D/19/3239757

3 Sunnydene Avenue, Ruislip HA4 6AF

- 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 Kamran Ali Khan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23432/APP/2019/2284 dated 7 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is an outbuilding (gym) and store.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding (gym) and store at 3 Sunnydene Avenue, Ruislip HA4 6AF in accordance with the terms of the application, Ref 23432/APP/2019/2284, dated 7 July 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: TP/399/01 and TP/399/02.

Procedural Matters

2. I have not included the full description of development from the appellant's application form as it makes reference to the retention of the buildings and that is not in itself development. However, I was able to see on my site visit that the development has been undertaken and therefore I have determined this appeal on the basis that it is a retrospective proposal. I also noted that a roller-shutter door which is not shown on the plans has been provided to the rear elevation of the gym building. This does not provide access to the inside of the building and its presence has no material bearing upon my consideration of this appeal.
3. Since the Council refused planning permission it has adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP). As a result, the Policies within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies (2012), which are no longer in force. The Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Extensions 2008 has also been withdrawn.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Sunnydene Avenue is characterised predominantly by bungalows which are arranged uniformly along the road. Due to their arrangement and the height of the dwellings, the appeal development has no perceptible impact upon Sunnydene Avenue. To the rear of the appeal site, an access lane is located which serves the commercial units on Victoria Road and this creates a transition point between the two distinct areas of commercial and residential uses. Along this lane, a number of substantial flat roofed buildings are present and therefore within this context the development is visually acceptable.
6. When viewed from within the rear garden area of the appeal dwelling, the development sits within a much more domestic setting. It is however not located in close proximity to the dwellings on Sunnydene Avenue, as they have rear garden areas of a relatively substantial length. This degree of separation compensates for the height of the development. Furthermore, the development is viewed against the backdrop of the two-storey buildings on Victoria Road which are situated on a higher ground level. The development is of an acceptable design and appearance, and although flat roofed, this is appropriate within the surrounding area. Taken together, these factors ensure that the development does not appear visually obtrusive when viewed from the appeal dwelling, the dwellings adjacent to it or from the public domain.
7. For these reasons, I conclude that the development has not caused harm to the character and appearance of the area. Consequently, there is no conflict with the objectives of Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 and Policy DMHD 2 of the P2LP where they seek to safeguard character and appearance.

Other Matters

8. The Council has questioned the size of the development and aspects of its design, including the provision of a bathroom and a door leading onto the access lane to the rear of the property. In addition, a representation has been submitted which raises concern about the development becoming a separate dwelling at a later date. In relation to this, Policy DMHD 2 of the P2LP sets out a number of additional criteria relating specifically to outbuildings.
9. Whilst relatively large, the development is not unreasonably big for its intended use or in the context of the size of the plot on which the dwelling is located. The provision of bathroom facilities to serve a domestic gym is also not in itself unreasonable. In any event, there is nothing before me to suggest that the building is intended to form independent living accommodation and that is not what has been applied for. Furthermore, planning permission would be required for such a use and that would be a matter for the local planning authority.
10. Therefore, whilst there is some conflict with the criteria of Policy DMHD 2 of the P2LP, I have identified reasons why the circumstances of the proposal before me outweighs such conflict.

Conditions

11. The development has been completed and therefore it is not necessary to impose the Council's suggested condition relating to the period for commencing the development. A condition confirming the approved plans is however required to provide certainty. The Council has suggested that a condition could

be imposed to tie the use of the building to the existing dwelling. However, there is no suggestion that the building is to constitute a planning unit separate from the dwelling. It is not therefore necessary to impose such a condition.

Conclusion

12. For the reasons given above, I conclude that the appeal, subject to conditions, should be allowed.

Graham Wright

INSPECTOR