
Appeal Decision

Unaccompanied site visit made on 18 February 2020

by Sandra Prail MBA, LLB (Hons), Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 24th February 2020

Appeal Ref : APP/R5510/C/19/3237963

14 Truesdales, Ickenham, UB10 8FJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Jer Che Jang against an enforcement notice issued by the Council of the London Borough of Hillingdon.
- The notice was issued on 3 September 2019.
- The breach of planning control as alleged in the notice is without planning permission the laying of a hard surface on land between a wall forming the principle elevation of the dwellinghouse and a highway exceeding 5 square metres in area with no provision to direct run-off water to a permeable or porous area within the curtilage of the dwellinghouse.
- The requirements of the notice are i. remove the non porous/non permeable hard surface from the land shown in the approximate position hatched in blue on the plan attached to the notice, and ii. implement the details on drawing number TWWL19670-11E sheet 1 of 3 , in so far as it relates to the land at 14 Truesdales, attached to decision reference 38402/APP/2016/935 granted on 12 August 2016, and iii. remove from the land all materials, debris, plant and equipment associated with requirements i. and ii. above.
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: the appeal is dismissed and the enforcement notice is upheld

Ground (a) appeal and deemed application

Main Issue

1. The main issue in the determination of this appeal is the effect of the development on the character and appearance of the main dwelling and surrounding area.

Character and appearance

2. The appeal site is located within a modern residential development. It is a two storey house with accommodation at roof level and a small front garden. The hard standing the subject of this appeal sits at the front of the property and has replaced former soft landscaping.
3. The development plan (including the Hillingdon Local Plan Part 1 Strategic Policies (Local Plan Part 1) and the recently adopted Local Plan Part 2 (Local Plan Part 2)) mirrors the National Planning Policy Framework (the

Framework) in seeking to ensure that development respects its setting. Policy DMHB11 of the Local Plan Part 2 requires that all development be designed to the highest standard, including landscaping features. I have also taken into account as a material planning consideration the emerging London Plan.

4. I agree with the previous Inspector on appeal that the soft landscaping areas are a valuable component of the character and appearance of Truesdales providing a positive contribution that helps break up the predominance of hard surfaced materials along the street.
5. The appeal site is highly visible and prominent in the streetscene. The small landscaped front gardens in the locality play an important function in providing visual relief and the loss of soft landscaping at the appeal site has an adverse effect on the character and appearance of the main dwelling and the wider surrounding area. Its replacement with hard surfacing does not respect its setting. It has created an overly dominant hard landscaping that detracts from its environment and causes undue harm to the character and appearance of the area.
6. I note that the development carried out includes some soft landscaping but this is modest in size and is inadequate to mitigate the harm caused by the development.
7. I note the Appellant's desire for additional car parking space but this does not outweigh the identified harm. I note that the Appellant says that the hardstanding would have little effect on surface run-off. I agree that this is not a main issue and there is no argument before me that the works benefit from permitted development rights.
8. My attention is drawn to other works in the locality. But I do not know the circumstances of those sites and I shall determine this appeal on its own particular facts. The existence of development similar to development the subject of this appeal is not so widespread as to be characteristic of the area.
9. I conclude for the reasons given above that the development carried out creates undue harm to the character and appearance of the main dwelling and the surrounding area. It conflicts with relevant policies in the development plan and the Framework.
10. I have considered whether conditions could overcome the identified harm. I have taken into account the Planning Practice Guidance but I do not consider that conditions could overcome the identified harm.
11. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decision

12. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

S. Prail

Inspector