
Appeal Decision

Site visit made on 4 February 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2020

Appeal Ref: APP/R5510/W/19/3241171

Land to the rear of 2 Chalfont Road, Hayes UB3 3BU

- 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 Deshkumar Bishambhar Dass (BMK Homes Limited) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74753/APP/2019/2669, dated 9 August 2019, was refused by notice dated 1 October 2019.
 - The development proposed is a single storey building for use as a garage/store.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. 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within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force.
3. The Council has confirmed that the adopted P2LP Policies that it relies on are DMEI 14, DMHB 11 and DMHB 12. As these policies were not referred to specifically in the Council's delegated report or reasons for refusal, the appellant has been given the opportunity to make further comments on the change to planning policy that has occurred.

Main Issues

4. The main issues are the effect of the proposed development on (i) the living conditions of the occupiers of the adjacent dwellings with particular regard to noise and disturbance and (ii) the character and appearance of the area.

Reasons

Living conditions

5. The proposed building would have no functional link with the dwellings which surround it and there is nothing to indicate that it would be a domestic garage for a nearby house. Therefore, its use would be independent to that of the residential properties in the area. The use of the building is stated as being for a garage or store and such uses, combined with the relatively large amount of floorspace available, could result in frequent movements to and from the building beyond the level which would normally be expected in a residential

location. Due to the proximity to their rear elevations and rear garden areas, the use of the building, and in particular the comings and goings from it, would result in significant harm to the living conditions of the occupiers of the adjacent dwellings from noise and disturbance.

6. The appellant has stated that the use of the building would be infrequent, but there is no mechanism that could reasonably control how frequently the building could be visited. In addition, the appellant has drawn attention to the location of existing commercial units close to the appeal site. However, I was able to observe during my site visit that the loading area for the nearest commercial unit is located much further from the dwellings in question than the appeal development would be. Furthermore, the positioning of the commercial unit on the opposite side of Silverdale Road provides an effective barrier along much of that road, providing further separation between the commercial and residential areas.
7. For these reasons, I conclude that the proposed development would cause significant harm to the living conditions of the occupiers of the adjacent dwellings as a result of the noise and disturbance that would be generated by its use. The proposal would therefore conflict with the aims of Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (P1LP) and Policy DMHB 11 of the P2LP, where they seek to protect living conditions.

Character and appearance

8. The appeal site is located in between the rear gardens of two dwellings in an area that marks the transition between residential and commercial uses. The existing street scene is dominated by the substantial brick elevation of the commercial unit located on the opposite side of Silverdale Road, although the side of the road on which the appeal site is located has a more distinctly residential character and appearance.
9. The proposal would be of a design and general scale akin to that of a domestic outbuilding. In the street scene it would sit in between the rear gardens of the two storey dwellings located on Chalfont Road and Little Road, and opposite the aforementioned commercial building. In this context it would integrate well within the street scene and would not form a visually obtrusive, cramped or overbearing addition to it. The appeal site is currently enclosed by a high gate to the road elevation and as a result the addition of the proposal would have no significant impact upon the open feel of the surrounding area.
10. For these reasons, I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, there would be no conflict with Policy BE1 of the P1LP and Policies DMHB 11 and DMHB 12 of the P2LP, where they seek to safeguard character and appearance.

Other Matters

11. The appellant considers that the proposal would bring economic and social benefits to the area, but there is no substantiating evidence to outline what these would be and given the scale and nature of the proposal it is difficult to see how these could amount to more than a very minor benefit. The appellant further states that the proposed development would utilise an empty plot, would reduce crime and disorder, would contribute to tackling climate change and would achieve the Code for Sustainable Homes Level and compliance with

the London Plan energy standards. The proposal could also be safely accessed as there is already a dropped kerb present. Taken together these considerations offer some support for the proposed development but they, along with any economic and social benefits that would arise, do not outweigh the significant harm to the living conditions of the occupiers of the adjacent dwellings that would result.

12. The Council has referred to Policy DMEI 14 of the P2LP which relates to air quality. It has however not raised a specific concern in this respect and based upon the information before me and my observations at my site visit, I have no reason to conclude that there would be any harm caused in this respect.

Conclusion

13. Whilst I have not found harm to character and appearance, I have found significant harm to the living conditions of the occupiers of the adjacent dwellings and subsequent conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR