



Appeal Decision

Site visit made on 10 February 2020

by Roy Curnow MA BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/R5510/C/19/3234265

111 Halford Road, Ickenham, Uxbridge UB10 8QA

- 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 Stuart Richards against an enforcement notice issued by the Council of the London Borough of Hillingdon ('the notice').
 - The enforcement notice, numbered HS/ENF/015449, was issued on 1 July 2019.
 - The breach of planning control as alleged in the notice is without planning permission the erection of a single storey outbuilding.
 - The requirements of the notice are: (1) Demolish and remove the outbuilding as shown in the approximate position hatched in blue on the attached plan; and (2) Remove from the land all debris, waste, building materials, fixtures and fittings, plant equipment and machinery resulting from the demolition works listed in (1) above.
 - The period for compliance with the requirements is three (3) months after the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Decision

1. 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.

Procedural Matter

2. In January 2020, the Council adopted The London Borough of Hillingdon Local Plan Part 2: Development Management Policies and Site Allocations and Designations (DMP). This replaced the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies, November 2012, (UDP). UDP Policies OE1, OE2, OE3, AM2 and AM7, which were referred to in the Council's notice have, therefore, played no part in my decision.
3. The Council has provided copies of Policies DMHB1, DMHB11 and DMHD2 from the DMP that it states are now relevant to the appeal. The appellant was given an opportunity to comment on them but did not do so. I have used these policies in my assessment of the appeal.

Reasons

4. 111 Halford Road is a two-storey semi-detached dwelling that lies at the junction of that road and Swakeleys Drive. It is part of the street scene of both roads. Dwellings on Swakeleys Drive are set well back from the road, which has footways and grassed strips with trees on each side. Halford Road is again

lined by grassed strips with trees, although its houses are closer to the road. A large area of public open space lies to the north of the site and I am told that the open land to the rear of the appeal site is part of the Green Belt. No 111 has been extended sideways, towards Swakeleys Drive. As a result, it is markedly closer to this road than the houses that front onto it. Notwithstanding this, there is still a generous distance between the house and Swakeleys Drive. Overall, the area has a spacious character and appearance.

5. The boundary of the Ickenham Village Conservation Area (IVCA), which is a designated heritage asset, lies close to the site on its north and east sides. The IVCA, is characterised by planned and spacious residential development set around a large period house, 'Swakeleys'. Given the site's proximity to the IVCA, it lies within its setting. Amongst its terms, Policy DMHB1 of the DMP requires development proposals to conserve or enhance the setting of heritage assets.
6. The outbuilding that is the subject of the notice has been erected in the space between the side of No.111 and Swakeleys Drive. The outbuilding is made of grey concrete panels with a pitched roof that is clad in grey corrugated sheeting. It has a white up and over door and white uPVC cladding on its front elevation. Although it is a prefabricated building, I have no persuasive evidence before me to lead me to conclude that it did not require planning permission. Furthermore, the Council tells me that a condition attached to the permission for the side extension removed, amongst other things, permitted development rights¹ to erect outbuildings in the curtilage of the property.
7. Paragraph 200 of the updated revised Framework states that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of a heritage asset should be treated favourably. The spacious character of development in the area abutting the IVCA here contributes much to its setting.
8. Notwithstanding its single storey height, given its position at the corner of the two roads, the outbuilding is prominent in the street scene. This prominence is magnified by its finishes, which contrast in a harmful manner with the red brick used in No 111 and most other dwellings in the area. It takes up most of the gap between the house and Swakeleys Drive, to the detriment of the spacious nature of the street scene and, thus, the setting of the IVCA. This harm would not be mitigated by the use of different external finishes.
9. Therefore, I find that the outbuilding causes visual harm to the character and appearance of the area, including the setting of the IVCA contrary to the terms of DMP Policies DMHB1, DMHB11 that requires new developments to be of a high standard of design, including the use of high quality materials, and DMHD2 that refers to outbuildings. These policy aims are mirrored in 'Residential Extensions' (2008), a Supplementary Planning Document (SPD).
10. I am aware of the appellant's discussions with the Council and his willingness to make alterations to the building. However, I have to assess the appeal on the basis of what has been erected at the property. Whilst I sympathise with him in respect of the problems that he has had appointing contractors to carry out alterations, none of these matters outweigh the harm that I have identified.

¹ Under the terms of Town and Country Planning (General Permitted Development) Order 2015 (as amended)

Conclusion

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 application deemed to have been made under section 177(5) of the 1990 Act as amended

Roy Curnow

INSPECTOR