



Appeal Decision

Site Visit made on 8 March 2021

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

Appeal Ref: APP/R5510/D/20/3263868

8 Thornhill Road, Ickenham, Uxbridge UB10 8SF

- 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 Prakash Makwana against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 30900/APP/2020/2243, dated 20 July 2020, was refused by notice dated 23 September 2020.
 - The development proposed is described as, "proposed granny annexe".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development shown above is taken from the planning application form. It differs from that shown on the appeal form and decision notice. The latter identifies the proposed development as a 'single storey outbuilding for use as a granny annex'. I have used this description in my consideration of the appeal since it best describes the proposed development in precise terms. It does not fundamentally alter the development which is the subject of this appeal.
3. During the course of the appeal The London Plan¹ was published, which replaced all previous versions. The parties were provided with an opportunity to comment on its relevance to this appeal, and I have taken the comments received into account in my consideration of this appeal proposal.
4. The appellant submitted a proposed street elevation drawing². This drawing does not substantially alter the nature of the proposal, and I am satisfied that the parties' interests would not be prejudiced by the drawing being considered in this appeal. Therefore, I have considered the drawing as part of this appeal.

Main Issues

5. The main issues are:
 - whether the proposal would constitute a new dwelling;
 - the effect of the proposal on the character and appearance of the surrounding area.

¹ The London Plan (published 2021)

² Drawing number HN/114/08

Reasons

Whether the proposal would constitute a new dwelling

6. The Council's first reason for refusal hinges on the contention that the proposal would result in a separate dwelling, and this concern has been echoed by nearby residents. However, the appellant has applied for an annex, to be used as ancillary accommodation to No 8 Thornhill Road (No 8). This is the basis on which the appeal must be determined. The Council has referred to the need for the annex, how it might be occupied, its proposed facilities, its size, scale, floor area, layout, and access arrangements, but the use of the annex as ancillary accommodation to No 8 could be secured by way of a planning condition. The option of enforcement action would potentially be available to the Council in the event of any breach of that condition. The appeal decisions cited by the appellant³ support this principle.
7. I therefore conclude that the proposal would not constitute a new dwelling. With respect to this finding on this main issue, it would comply with Policies DMHB 11, DMHD 2, DMHB 18 and DMT 6 of the Local Plan: Part 2⁴, and Policy D6 of The London Plan which collectively seek to ensure that new development harmonises with its local context.

Character and appearance

8. The appeal site comprises a single-storey detached bungalow situated on a corner at the junction of Thornhill Road and Vinlake Avenue, in a residential area. The proposed annex would be located in its rear garden, which is adjacent to Vinlake Avenue. There is some variation in the architectural style, form, design, materials, scale, orientation, and size of the houses, and in their plot sizes and site layouts, in the area as a whole.
9. Nevertheless, along Vinlake Avenue houses are mostly set-back somewhat from the road, with undeveloped front drives, and little soft landscaping. Indeed, the frontages to properties along Vinlake Avenue are mostly open and there is little built development of note close to the footway. Similarly, I observed that the frontages of many nearby properties on Thornhill Road were also undeveloped. Some garages and other structures are set forward from their host properties, but these are not common in the immediate area.
10. I observed the outbuildings at No 6 Thornhill Road. The outbuilding closest to the junction has a sloping roof which does not rise significantly above the boundary fence for much of its length, meaning that it is not very prominent in the street scene. The other outbuilding, behind it, is much smaller. Hence, those outbuildings have a limited impact on the street scene. Other outbuildings are present in the locality, and some properties have been extended and other spaces have been infilled, but outbuildings are not common on Vinlake Avenue or nearby parts of Thornhill Road. Taking all the above into consideration, a sense of spaciousness prevails on Vinlake Avenue.
11. A strong building line is not evident with respect to the side of the road closest to the proposed location for the annex. Also, the garage (with attached car port) at No 30 Vinlake Avenue (No 30) has a tall and steeply pitched roof, and the proposal would be situated close to it. Notwithstanding this, the proposed

³ APP/R5510/D/19/3239644, APP/R5510/X/18/3206551, APP/R5510/D/19/3235328

⁴ Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020)

annex would have a footprint of approximately 45 square metres, with its dimensions being approximately 9 metres by 5 metres. Consequently, it would be a structure of considerable size, relative to No 8. It also would extend across a fair proportion of the existing garden and due to its height, its large gable and much of its roof would be clearly visible above the fence. As it would extend forward of the garage at No 30 by some margin, and as it would be positioned very close to the appeal site's boundary adjacent to the footway, its large mass would be clearly visible along much of Vinlake Avenue.

12. As such, although the proposed materials would be acceptable, as would its simple design and pitched roof, due to its scale, bulk, and position, it would appear as a very intrusive feature in the street scene, and would serve to materially lessen the sense of spaciousness in the area. Furthermore, as there is a lack of other similarly-sized outbuildings nearby, it would appear as an incongruous feature in the street scene. I have had regard to appeal decision 3239644⁵ but in that appeal the Inspector noted that the outbuilding was only visible from the private views of neighbouring properties, which is not the case with respect to the proposal before me. Hence, it does not alter my findings. The other appeal decisions referred to by the appellant have been referred to primarily with respect to the issue of annex provision, dealt with in the first main issue, above.
13. Accordingly, the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. With respect to this finding on this main issue, it would conflict Policy BE1 of the Local Plan: Part 1⁶ and Policies DMHB 11, DMHD 1 and DMHD 2 of the Local Plan: Part 2, which collectively require that all new developments should achieve a high quality of design which enhances the local distinctiveness of the area. The appellant has made reference to paragraphs 124 and 127 of the Framework⁷. Given my findings above, it follows that the proposal's harmful effect on the character and appearance of the area is such that it would not serve to create a high quality place, nor would it be sympathetic to local character. Therefore, the proposal would conflict with those paragraphs of the Framework, also.

Other Matters

14. Mention of the exercise of permitted development rights has been made, including at the appeal site and potentially by neighbouring occupiers, but few details have been provided to allow a comparison with the scheme before me, or what the effect on the street scene might be in the case of their use by neighbouring occupiers. The proposal would improve the accommodation available to the appellant, but this would be a personal benefit rather than one with wider public benefits. Accordingly, all these matters taken together have been accorded limited weight, and they are not sufficient to overcome the clear harm that I have identified on the second main issue, above.

Conclusion

15. Although I have found that the proposal would not constitute a new dwelling, this does not overcome the conflict with the development plan in relation to

⁵ APP/R5510/D/19/3239644

⁶ Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012)

⁷ National Planning Policy Framework 2019

matters of character and appearance. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR