



Appeal Decision

Site Visit made on 19 October 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/R5510/D/21/3278114

19 Grove Road, Northwood HA6 2AP

- 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 Eil Brown against the decision of London Borough of Hillingdon.
 - The application Ref: 27846/APP/2021/644, dated 17 February 2021, was refused by notice dated 29 April 2021.
 - The development proposed is erection of an outbuilding in the rear garden of the property to house a swimming pool and associated plant room.
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Decision

1. The appeal is allowed and planning permission is granted for erection of an outbuilding in the rear garden of the property to house a swimming pool and associated plant room, at 19 Grove Road, Northwood HA6 2AP, in accordance with the terms of the application, Ref: 27846/APP/2021/644, dated 17 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: GAP_101 Rev. C Location Plan; GAP_102 Rev. B Site Plan; GAP_100 Rev. C General Arrangement; ELE_01 Rev. B Building Elevations; ELE_02 Rev. A Building Elevations; RCP_500 Rev. B Roof Layout; and Arboricultural Report dated 13 April 2021.
 - 3) The outbuilding hereby permitted shall not be occupied until the toilet/shower window has been fitted with obscured glazing. Once installed the obscured glazing shall be retained thereafter.
 - 4) Construction works shall take place only between 08.00hrs and 17.00hrs on Monday to Friday, and shall not take place at any time on Saturdays, Sundays or on Bank or Public Holidays.

Preliminary Matters

2. During the determination of the application the appellant submitted amended plans and an Arboricultural Report¹ in an attempt to address the Council's concerns regarding the effect of the proposed development on adjacent trees which are protected by a Tree Preservation Order². The Council's decision was

¹ Arboricultural Report (AIA2) 19 Grove Road, Northwood. 13 April 2021. Bucks Plant Care Ltd.

² Tree Preservation Order 192.

based on the amended plans and Arboricultural Report and, for the avoidance of doubt, I have determined the appeal on the same basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of Nos 17 and 21 Grove Road, with regard to outlook and privacy.

Reasons

4. The appeal site comprises a large, two-storey, detached dwelling located within a sizeable, rectangular, landscaped plot. Nos 17 and 21 Grove Road (Nos 17 and 21) lie immediately adjacent to and either side of the appeal site. Similar to No 19 Grove Road (No 19), Nos 17 and 21 are large detached houses sited within substantial mature gardens.
5. The proposed development is a 'T-shaped', single-storey, outbuilding to house a swimming pool and associated plant room that would be sited at the far end of No 19's rear garden. Having regard to the amended plans, the outbuilding would possess an eaves height of about 2.5m, a ridge height of about 4m and a footprint of approximately 151m².
6. The developed footprint of the outbuilding would be markedly larger than the 'general guide' of 30m² stated in the supporting text to Policy DMHD 2 of the London Borough of Hillingdon Local Plan: Part 2 - Development Management Policies, 2020 (HLP-P2)³. Nevertheless, as required by part ii) of the policy, it could reasonably be considered to be 'proportionate' to the sizeable footprint of No 19 and its generous curtilage.
7. The size and bulk of the outbuilding would be substantial. However, the structure's position within the garden would provide ample separation distances of over 30m between it and the houses of Nos 17 and 21. This, combined with the topography of the land, which slopes gently away from the house, would significantly reduce any harmful effects of the outbuilding when viewed from these adjacent properties.
8. The physical presence of the outbuilding would be felt to a greater degree when viewed from the gardens of Nos 17 and 21. Nevertheless, the outbuilding's low-lying single-storey form and 2m separation from the common side boundaries, in conjunction with the existing screening provided by the high close-boarded timber boundary fences, trees and shrubbery, would appreciably mitigate the structure's overall impact when observed from these spaces.
9. Furthermore, these aspects of the proposed development, along with the fact that the integral outdoor deck platform would be at ground level, would restrict the possibility of any overlooking from the outbuilding into the properties or private outdoor amenity spaces of Nos 17 and 21.
10. Taking all of the above into account, I am satisfied that the outbuilding would not appear as an over dominant or visually obtrusive form of development when viewed from the properties and gardens of Nos 17 and 21, or reduce the existing levels of privacy experienced by their occupants.

³ Outbuildings: Paragraph A1.34.

11. Accordingly, I conclude that the proposed development would not have a harmful effect on the living conditions of occupiers of Nos 17 and 21 Grove Road, with regard to outlook and privacy. As such, it would not conflict with Policies DMHB 11 and DMHD 2 of the HLP-P2 in so far as they require development and outbuildings to be designed and constructed to the highest standards and not adversely impact on or compromise the amenity of adjacent properties and neighbouring occupiers.

Other Matters

12. I note the Council's assertion that there are no similar outbuildings within the immediately surrounding area. Nevertheless, the reason for refusal does not specify any harmful effects or policy conflict in relation to the prevailing character and appearance of the area. I have considered the proposed development on its planning merits in relation to the living conditions of nearby residents and found no harm or lack of policy compliance.
13. I have given consideration to the representations made by interested parties that highlight other matters in addition to those raised by the Council which are addressed above.
14. There is no substantive evidence to indicate that the outbuilding and/or its construction would exacerbate any existing localised flooding issues; cause land erosion; affect the foundations and thus the stability of a summerhouse in an adjacent garden; affect a bunker (stated to date from World War Two) in an adjacent garden; have a harmful effect on wildlife; or create air pollution.
15. Based on the amended plans and the Arboricultural Report, the Council concluded that the proposed development would not harm adjacent trees and, from the evidence before me, I have no reason to disagree.
16. Any noise and disturbance during the construction period would be temporary in nature. In any event, a condition restricting the hours of construction would enable this aspect of the proposal to be controlled. In addition, there is nothing before me to suggest that the noise generated by the associated plant room would be of a level which would be materially harmful to the living conditions of nearby residents.
17. Other points raised are civil matters and not within the remit of an appeal under section 78 of the Act.
18. Overall, having examined the evidence before me, I am satisfied that these other matters, individually or collectively, do not provide justification to withhold permission for the appeal proposal and therefore do not alter my conclusion on the main issue.

Conditions

19. I have had regard to the conditions suggested by the Council and considered them in light of the advice set out in both the National Planning Policy Framework and the Planning Practice Guidance. Planning permission is granted subject to the standard three year time limit condition. The relevant plans and additional information are specified as this provides certainty.
20. As the development is a detached outbuilding and the proposed materials are specified on the amended plans, a condition requiring that the materials of the

external surfaces shall match those used in the existing building is not necessary. In the interests of the living conditions of occupiers of No 19, having regard to privacy, a condition requiring that the glazing of the toilet/shower window is obscured is necessary. Given the nature of the proposal and in the interests of the living conditions of occupiers of nearby properties, with regard to noise and disturbance, a condition restricting the hours of construction is necessary.

Conclusion

21. There are no material considerations that indicate that the application should be determined other than in accordance with the development plan. Accordingly, for the reasons given and subject to conditions, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR