



Appeal Decision

Site visit made on 25 January 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2022

Appeal Ref: APP/R5510/W/21/3284511

40 Vine Lane, 40A Vine Lane and 42 Vine Lane, Uxbridge UB10 0BA and 2 Cedars Drive, Uxbridge UB10 0JT

- 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 Neshal Madlani against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 20162/APP/2021/683, dated 19 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is 3 x single storey outbuildings to rear for use as a cinema room/gym/shed and single storey outbuilding to rear of 42 Vine lane for use as a cinema room/shed.
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Decision

1. The appeal is allowed and planning permission is granted for '3 x single storey outbuildings to rear for use as a cinema room/gym/shed and single storey outbuilding to rear of 42 Vine lane for use as a cinema room/shed' at 40 Vine Lane, 40A Vine Lane and 42 Vine Lane, Uxbridge UB10 0BA and 2 Cedars Drive, Uxbridge UB10 0JT in accordance with the terms of the application Ref 20162/APP/2021/683 dated 19 February 2021 subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development stated on the appeal form is consistent with that used on the Council's decision notice and provides a more succinct and accurate description of the proposal than that stated on the application form. I have therefore used it in the banner heading and my formal decision above.
3. At the time of my visit, I saw that outbuildings were under construction on the appeal site. I have however determined the appeal on the basis of the development that is shown on the submitted plans.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. Near to the appeal site, Vine Lane is generally characterised by detached dwellings which are set back from the street on large plots with deep rear gardens providing for generous spacing around the buildings. The plots to dwellings on Cedars Drive which runs to the rear of Vine Lane are typically smaller. However, rear gardens are still relatively long, and together with the

Vine Lane gardens they result in a distinct impression of openness to the rear of buildings which is appreciable from both street scenes, contributing a generally spacious character to the area.

6. The appeal proposes 4 outbuildings which would be sited to the rear of the gardens to 40, 40A and 42 Vine Lane and 2 Cedars Drive in a broadly 'L-shaped' arrangement. The outbuildings would be divided internally, but would not be physically separate from one another, and the Council comments that the host dwellings are currently in the same ownership. However, the submitted plans indicate boundary treatment between the dwellings on the site including fences that would extend up to the face of the buildings, and this could be secured by way of a planning condition. In addition, the outbuildings to each dwelling would be of slightly different height resulting in a stepped roofline rather than a consistent profile across all of the sites. In my assessment, these factors mean that the development would in reality be appreciated as a series of distinct structures clearly associated with each of the individual dwellings and sitting within separate curtilages, rather than a single building. Accordingly, I do not find that their arrangement as a group would disrupt or stand out against the area's characteristic layout of dwellings fronting the streets with long gardens extending to their rear.
7. The outbuildings would span the full width of the gardens to 2 Cedars Drive and 40 and 40A Vine Lane. However, the building's 2 perpendicular segments would each be of very modest depth, and the development would occupy only a very small proportion of each of the dwellings' respective gardens, even against the smaller plot of 2 Cedars Drive.
8. I appreciate that the total footprint of development would be equivalent to a fairly large proportion of each of the gardens taken individually, and the Council suggests that the cumulative footprint of the building would be larger than the footprints of the dwellings at 40 Vine Lane and 2 Cedars Drive. Be that as it may, the 'L' shape of the building would provide for significant separation between the outbuilding on the plot of 40 Vine Lane and the dwellings at 42 Vine Lane and 2 Cedars Drive, and vice versa. The steps in the roofline would additionally help to break up the bulk and mass of the building. In combination with the building's modest height and the very limited depth of its sections, these factors would temper the visual impact of its overall scale. Given also my findings that the building would appear as a series of structures associated with 4 separate dwellings, I am satisfied that the characteristic spaciousness of the area would be maintained and that the development would not be dominant or disproportionate against the host dwellings or their plots, even when the development is seen as a whole.
9. Furthermore, the form and limited depth of the building as well as its flat roof design and simple detailing and fenestration would give the development a utilitarian appearance that I consider would be appropriate to a residential outbuilding. Despite its overall size, I therefore disagree with the Council that it would have the appearance of a separate residential unit, and I find that the development would be subordinate and sympathetic to the host dwellings.
10. Whether or not the building would be capable of being occupied as a separate residence, that is not the development that is before me to consider as part of this appeal and I can see no reason that such an outcome would be inevitable. In any event, if the outbuildings were not constructed or used as

accommodation associated with the existing dwellings on the site as is proposed then a separate grant of planning permission would be required, and the building would be at risk of enforcement action if such activity occurred without permission having been granted.

11. For all of these reasons, I do not find that the development would be incongruous in its context, and I conclude that the character and appearance of the area would not be harmed. As a consequence, I find no conflict with Policies DMHB 11, DMHD 1 or DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020. Together, these broadly seek high standards of design and development that does not adversely affect the character, appearance or quality of the area; and include requirements for subordinate development and for outbuildings to be of proportionate footprint to the dwelling and curtilage in which they stand. Similarly, I find no conflict with the National Planning Policy Framework (the Framework) insofar as it seeks high quality design.

Other Matters

12. The fact that a previous application for development was unsuccessful and that works may have been carried out without planning permission are not in themselves reasons to dismiss the appeal. I note comments referring to the removal of trees. However, the Council advises that there are no Conservation Area or Tree Preservation Order designations protecting trees on the site. In addition, permission has previously been granted by the Council for outbuildings to the rear of Nos 40 and 40A that would similarly be positioned on the rear boundary of the site.
13. The development would adjoin the site boundaries, but I am satisfied given its modest height, the size of neighbouring gardens and the separation to dwellings that it would not be unacceptably dominant or overbearing. Given also that it would be used in connection with the existing dwellings on the site, the position of fenestration and the relationship with neighbouring properties, I do not consider that the development would be likely to result in unacceptable noise or disturbance to surrounding occupiers. None of the other matters that have been raised alter my conclusions on the main issues.

Conditions

14. I have considered suggested conditions having regard to the tests set out at paragraph 56 of the Framework. As a result, I have amended some where necessary, or for the sake of clarity. As works have already commenced on the site, the standard time limit condition is unnecessary, but I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interest of certainty.
15. A condition to control external materials is necessary to ensure a satisfactory appearance, although for the sake of clarity and certainty I have amended the Council's suggested condition to refer to the use of materials as they are shown on the submitted plans and specified on the application form. Given my findings on the main issue, I have also attached a condition to require that boundary treatment as shown on the approved plans is implemented and maintained in the interests of the character and appearance of the area. Conditions to restrict the use of the development to the indicated purposes and to restrict additional openings are necessary in the interests of the character and appearance of the area and the living conditions of neighbouring occupiers.

16. The Council has additionally suggested a condition seeking to remove permitted development rights for outbuildings or other enlargement or alteration to dwellings on the site. However, paragraph 54 of the Framework indicates that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Given the scale of the development against the plots of the dwellings on the appeal site and the relationship with neighbouring properties, I am not satisfied from the evidence before me that such restrictions are necessary or reasonable in this case, and I have not imposed this condition.

Conclusion

17. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

J Bowyer

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 012 Rev 00, 102 Rev 00, 103 Rev 00, 217 Rev 04 (Outbuildings Plans – Ground Floor Plans), 217 Rev 04 (Outbuildings Plans – Roof Plans) and 317 Rev 04.
- 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on plan no. 317 Rev 04 and specified at section 14 of the application form.
- 3) The development hereby permitted shall not be occupied until boundary treatment is in place in accordance with the details shown on plan nos. 102 Rev 00, 217 Rev 04 (Outbuildings Plans – Ground Floor Plans), 217 Rev 04 (Outbuildings Plans – Roof Plans) and 317 Rev 04 and specified at section 14 of the application form, and the boundary treatment shall thereafter be retained.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls of the development hereby approved.
- 5) The development hereby permitted shall not be used other than for purposes incidental to the use of the dwellings known as 40, 40A and 42 Vine Lane and 2 Cedars Drive and as stated on the application form and approved drawings. There shall be no internal connection within the structure between the outbuildings associated with each of the dwellings known as 40, 40A and 42 Vine Lane and 2 Cedars Drive, and the development shall not be used for purposes such as a living room, bedroom, kitchen, study, commercial use, as a separate unit of accommodation or for any business purposes.