



Appeal Decision

Site visit made on 25 July 2024

by K E Down MA(Oxon) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2024

Appeal Ref: APP/R5510/D/24/3344816

3D Perry Close, Uxbridge, Hillingdon, UB8 3HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Santaram Santok against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 78093/APP/2024/183.
 - The development proposed is an external canopy with timber posts and decking and corrugated roof sheeting.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed canopy on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The appeal site is located in a secluded area of Perry Close, a residential cul-de-sac. It is one of a block of four dwellings. It shares a side boundary with No 3C and, on the other side, with 4 Perry Close, a semi-detached house. The rear garden at the appeal site is separated from the dwelling by a path, the rear elevation of an existing outbuilding and fencing. The modest well-tended garden is separated from its neighbours by close boarded fencing.
4. The proposed canopy, which has been constructed, has a height of about 2.9m and occupies an area of about 20.5 square metres, thus covering a significant portion of the rear garden. It is understood to have been constructed at the same height as the existing outbuilding which it now covers. It extends up to the boundary with No 3C but is set away from the boundary with No 4. It has been constructed using good quality wooden uprights and decking and a coated corrugated metal roof.
5. The canopy is barely visible from the public highway but would be clearly seen from neighbouring gardens. Moreover, whilst the set off from the boundary of No 4 and the position of that dwelling with a rear building line that is approximately level with the rear of the canopy means it would not be visible from rear windows in No 4, its height and proximity to the shared boundary would make it clearly visible from No 3C.

6. The appellant suggests that a similar canopy could be constructed with a maximum roof height of 2.5m under permitted development rights. This is not disputed by the Council. However, I disagree with the appellant that the difference in height of some 0.4m between such a structure and the appeal canopy would be marginal. The canopy covers a significant area and this is emphasised by its height and the proportion of the garden it occupies. Its scale is further emphasised by its proximity to the boundary with No 3C where it looms above the fence.
7. I understand the appellant's desire to provide a covered seating area in his garden and I consider that the materials used are in keeping. However, the overall scale of the canopy and in particular its combined height and footprint result in it being an overly large addition that, if allowed to remain, would be out of character with and harmful to the appearance of the garden and the surrounding area which is characterised by residential gardens with more modest outbuildings and garden structures.
8. It is concluded on the main issue that the proposed canopy would have a materially detrimental effect on the character and appearance of the rear garden at the appeal site and the surrounding area. In consequence, it would conflict with Policies BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies, 2012, and Policies DMHB 11 and DMHD 1 of the Council's Local Plan: Part 2 – Development Management Policies, 2020. Taken together these expect new development to achieve a high quality of design that is appropriate in terms of layout and scale such that it harmonises with the local context. It should take account of the surrounding scale of development in terms of, amongst other things, height, plot coverage and plot size such that there is no adverse cumulative impact on the character or appearance of the wider area.
9. I note that a number of neighbours, including at No 3C, have written in support of the proposed canopy. However, whilst I am satisfied that it would not harm the living conditions of neighbouring occupiers, I have found that it would have an unacceptable visual effect on the character and appearance of the appeal site and surrounding area. This neighbour support therefore carries limited weight.
10. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

KE Down
INSPECTOR