
Appeal Decision

Site visit made on 18 January 2016

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20th January 2016

Appeal Ref: APP/R5510/D/15/3136069

140 High Street, Harlington, Hayes, Hillingdon, Middlesex UB3 5DW

- 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 A Virk against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 61722/APP/2015/1806 was refused by notice dated 14 July 2015.
 - The development proposed is demolition of existing outbuilding and erection of new garage/store gym in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the streetscene and the Harlington Village Conservation Area; and

whether the proposal would be tantamount to the creation of a separate dwelling and if so, the effect of the proposal on the character and appearance of the host dwelling and wider area and the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

3. The *Planning (Listed Buildings and Conservation Areas) Act 1990* imposes duties requiring special regard to be had to the desirability: at Section 72(1), of preserving or enhancing the character or appearance of a Conservation Area.
 4. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 5. The appeal site lies within the Harlington Village Conservation Area, a designated heritage asset. The Conservation Area covers a large part of the High Street, characterised by a mix of commercial and residential properties with a mix of both modern and traditionally designed buildings.
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6. The appeal site lies on a prominent corner location with Victoria Lane. Although screened to some extent by the existing boundary wall and gate and set back within the appeal site, the proposed building would be partially visible from a wide area in this prominent corner position. Other outbuildings to the rear are primarily of a much smaller scale.
7. The proposed building would replace an existing smaller outbuilding. It would be situated on the side boundary adjacent to an existing access to garages. It would reach some 3.6 metres in height and comprise a double garage with a separate store/gym. The overall footprint would be similar to that of the adjacent dwelling in Victoria Lane and would be situated on a similar building line.
8. The proposed dimensions of the outbuilding would be broadly in keeping with guidance in the adopted Hillingdon Design and Accessibility Statement Supplementary Planning Document Residential Extensions (2008) (SPD). Nevertheless, this guidance does state that special design criteria may apply for garages in Conservation Areas.
9. From my observations, due to the scale of the proposed building in this prominent corner position, I consider that it would be a dominant incongruous addition, not in keeping with the prevailing form of development in the streetscene. It would appear at odds with the pattern of development where outbuildings are of a significantly smaller scale than the surrounding dwellings. For these reasons, I consider that the proposal would not preserve the character or appearance of the Conservation Area, but this would be less than substantial harm as set out in the Framework.
10. I note that the proposed building would provide on-site parking which would have a limited impact on the pressure for parking in the surrounding streets. Nevertheless, there is existing on-site parking available at the appeal site. Thus, I have attributed limited weight to this matter in my determination of this appeal.
11. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the character and appearance of the Conservation Area, which I do not consider, for the reasons stated above, are outweighed by any benefits of the proposal. In particular, having regard to the Framework, I find that the harm is not outweighed by any public benefit.
12. For the reasons stated above and having taken into consideration all matters raised, I consider that the proposal would be contrary to Policies BE1 and HE1 in the Hillingdon Local Plan (Part One) (2012) and Policies BE4, BE13, BE15 and BE19, in the Hillingdon Local Plan: Part Two (2012), where they seek to preserve or enhance the character or appearance of a conservation area.

Separate Dwelling

13. The proposed outbuilding would have a floorspace that would exceed the minimum floor space required for a 1 bedroom flat, (50sqm) as designated within the London Plan (2015). The garage would be constructed of single-skin brickwork and the store/gym would have a cavity construction.
14. Whether the proposed building would be tantamount to being an independent dwelling is a matter of fact and degree. The distinctive characteristic of a

dwelling house is its ability to afford to those who use it the facilities required for day-to-day private domestic existence.

15. Although the proposed outbuilding would be capable of being a separate dwelling, due to its size and separate access, there is no indication that the internal layout would be suitable for such use. Under these particular circumstances, particularly in the absence of a proposed kitchen or bathroom, I do not consider that the proposed outbuilding would be capable of being used independently with no functional or practical linkage to the existing dwelling without considerable alteration. Therefore, I have determined the appeal before me in this respect. If I were to allow the appeal, I consider it would be reasonable and necessary to impose a condition restricting the use of the outbuilding to garaging and use ancillary to the main dwelling, in the interest of residential amenity.
16. For the above reasons, I do not consider the proposal would be tantamount to the creation of a separate dwelling. Thus, the proposal would not be contrary to SPD guidance and Policies AM14, BE13, BE15, BE19, BE20, BE21, BE23 and BE24 in the Hillingdon Local Plan: Part Two in this respect.

Conclusion

17. I have found that the proposal would not be tantamount to the creation of a separate dwelling. However, I have found that the proposal would not be in keeping with the prevailing form of development in the streetscene and would not preserve the character or appearance of the Conservation Area. On balance, I consider these are sufficient to dismiss the appeal.

J L Cheesley

INSPECTOR