



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: 22 March 2021

Appeal Ref: APP/R5510/D/20/3265293

26 Copthall Road East, Ickenham, Uxbridge UB10 8SD

- 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 Ian Perrett against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10265/APP/2020/3063, dated 22 September 2020, was refused by notice dated 27 November 2020.
 - The development proposed is a single storey garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. At the site visit, I observed that a garage was in the process of construction. However, it was only partially completed. For the avoidance of doubt, this decision only relates to the proposed development as shown on the submitted appeal plans.

Main Issue

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

Reasons

4. The appeal site comprises a two-storey semi-detached dwelling situated in a residential area. The site is situated on a corner at a junction between two streets and accordingly is in a particularly prominent position.
5. Nearby properties on Copthall Road East are mostly set-back somewhat from the road. Undeveloped drives are common, as are low walls and insubstantial soft landscaping treatments to the front boundaries. The nearby part of Bushey Road is similar in these respects. These features contribute to the sense of spaciousness in the area.
6. The proposed garage would be located in the front garden, not far from the footway. Its internal useable area would be less than 20 square metres, in compliance with the general guidance given in the supporting text to Policy DMHD 2 of the Local Plan: Part 2¹. Its height taken from the highest point of the ground level would be approximately just over 2 metres. Nevertheless, it would be situated on sloping ground, meaning that its scale would increase closer to the footway.

¹ Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020)

7. I have taken account of the angular street positioning of No 26 Copthall Road East (No 26) and the separation distances involved in relation to its neighbours. However, the proposal would be a large structure relative to No 26, and its height, width and solid design would combine to create a very conspicuous and bulky feature in this prominent location. Its considerable scale relative to its surroundings would be emphasised by the white painted render, proposed for its front, and the size of its entrance on its north elevation.
8. As such, due to its scale and bulk, it would stand out as a wholly anomalous feature in the street scene, and it would unduly lessen the sense of spaciousness in the area. It is proposed to partially conceal the garage behind a high privet hedge, but much of the north elevation would still be exposed, meaning that the proposal's harmful effect on the character and appearance of the area would persist. A condition could not be imposed to completely screen the proposal on its north elevation, as it would stop the garage from being used as intended.
9. I have had regard to appeal decision 3174966², but from the details submitted the appeal site in question appears to be located in a less prominent position, in contrast to No 26, which is situated on a corner at a junction. I have also had regard to appeal decision 3182376³, but its reasoning with respect to whether a new building was materially larger than the one it replaced related to planning policies which are specific to the Green Belt. Hence, the reasoning in 3182376 is not directly relevant to this appeal. Accordingly, neither of those appeal decisions alter my findings on this main issue.
10. Thus, the proposal would have an unacceptable and harmful effect on the character and appearance of the surrounding area. It would conflict with Policy BE1 of the Local Plan: Part 1⁴ and Policies DMHB 11 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 highlighted paragraph 127 c) of the Framework⁵ which refers to not preventing or discouraging appropriate innovation or change (such as increased densities). However, I have identified above that the change created by the proposal would not be sympathetic to local character, and therefore the proposal would conflict with paragraph 127 c) of the Framework, also.

Other Matters

11. It is recognised that an outbuilding was previously present in the front garden and that the proposal would have a similar siting, size, footprint, and scale to that previously-established outbuilding. Also, the size and shape of the rear garden at No 26 places practical restrictions on the development of an extension or an ancillary-use outbuilding. However, for the reasons given above I have found that the proposal would cause material harm, and these considerations do not reduce the harm that would arise from the proposal. In my view, refusing planning permission for development that conflicts with the development plan is not a punitive measure, as action is taken in the public interest.

² APP/N5090/D/17/3174966

³ APP/T0355/D/17/3182376

⁴ Hillingdon Local Plan: Part 1 - Strategic Policies (adopted 2012)

⁵ National Planning Policy Framework 2019

12. The appellant has referred to a potential fall-back position and the case of *Mansell v Tonbridge & Malling BC*⁶. From the limited details provided of the pre-existing outbuilding, it appears that it had a less harmful effect on the character and appearance of the area than the proposal before me, primarily due to it being a less solid structure, and being made of timber. The proposal would serve the long-term needs of the appellant and his household, but this would be a personal benefit rather than one with wider public benefits.
13. As such, I give all those other matters only limited weight when considered collectively. Taken together, they are not sufficient to overcome the clear harm that I have identified on the main issue, above.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

Alexander O'Doherty

INSPECTOR

⁶ [2017] EWCA Civ 1314