



**TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)**

47 Swakeleys Road, Ickenham, UB10 8DG

Appeal by Mr Mahajan against the decision by the London Borough of Hillingdon to refuse planning permission for the erection of a detached outbuilding to rear for use as storage

**PREPARED BY
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1.0 INTRODUCTION

Personal statement

- 1.1 I am a chartered town planner, BSc(Hons), BTP, MRTPI with over 23 years' experience working within all sections of the planning domain. My career started in 1997 within the Policy section at Bracknell Forest Borough Council before working at Bayside City Council in Australia. I returned to the UK to work as an enforcement officer at the Royal Borough of Kensington and Chelsea for 18 months. I then worked at the London Borough of Richmond upon Thames from 2001 to 2006 and returned in 2008 until I left in 2012. During the 9 years at Richmond, I worked within the Development Management department determining planning applications and finally headed up the Appeals and Enforcement team working on major appeals and public inquiries. In 2006, I joined GVA Grimley LLP and worked on a number of major developments. In 2012, I established Cameron Jones Planning Ltd and have acted for Local Planning Authorities as expert witness at public inquiries, as well as determining planning applications for LPAs. I have a wide private client base and deal with a variety of planning applications and appeals. I gained full membership of the Royal Town Planning Institute in July 2000.
- 1.2 This statement has been prepared and provided for this appeal in accordance with the guidance of my professional institution, the Royal Town Planning Institute. The opinions expressed are my true and professional opinions.

Preliminary matters

- 1.3 In December 2020, Mr Mahajan contacted me following refusal of planning permission to undertake the appeal on his behalf. I assessed the plans, read the officer's report and decision notice and undertook a site visit before accepting the Instruction.

- 1.4 This Statement is submitted on behalf of Mr Mahajan in respect of the refusal of planning permission for the erection of a detached outbuilding to rear for use as storage at 47 Swakeleys Road in the heart of Ickenham. The application (ref. 2020/3200) was refused planning permission by the London Borough of Hillingdon on 1st December 2020, for the following reason:

The proposed outbuilding by reason of its size, scale and position would constitute a visually obtrusive and incongruous form of development which would [be] harmful to the character and appearance of the original property and would fail to either preserve or enhance the character or appearance of the surrounding Ickenham Village Conservation Area. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020), Policy 7.8 of the London Plan (2016) and the NPPF.

- 1.5 The outbuilding is needed for storage of kitchen equipment, dry food, fixtures and fittings from the restaurant, ornaments etc. At present this is stored in the nearby building the appellant owns but it is far from ideal and a permanent solution is required to store this equipment related to the restaurant.

2.0 THE APPEAL PROPERTY AND SURROUNDING AREA

- 2.1 The subject site is a two storey mid-terraced commercial property which is used as a restaurant on the ground floor with residential accommodation at first floor level. The site benefits from a long rear garden which backs onto residential properties on Almond Avenue. The rear of the property has been extended extensively in the past, as have the neighbouring properties.
- 2.2 The site is within the Ickenham Village Conservation Area and Ickenham Local Centre.

2.4 Below are photographs of the rear of the site where the outbuilding would be located and immediate surroundings:



Rear of existing restaurant



Neighbouring outbuilding

3.0 PLANNING HISTORY

- 3.1 On 1st October 2020, planning permission was refused for first floor rear extension and conversion of roofspace to habitable use to include a rear dormer and 2 front rooflights (ref. 5525/APP/2020/3115).
- 3.2 On 14th April 2020, planning permission was refused for single storey rear extension to provide additional floorspace for Restaurant (Use Class A3), first floor rear extension, conversion of roofspace to habitable use to include 2 rear dormers and single storey outbuilding to rear for use as an office (ref. 75525/APP/2020/1205).
- 3.3 There is no planning history for the outbuildings within the rear of no.51 Swakeleys Road nor 18 Almond Avenue, both visible from the appeal site.

4.0 POLICY FRAMEWORK

- 4.1 The development plan comprises the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) and the London Plan (2016). The NPPF is also a material consideration.
- 4.2 In terms of such a heritage asset there is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a Conservation Area. There is no mention in the Council's officer's report of what constitutes the character of the conservation area or why this proposed development would be so harmful to warrant refusal. There is very little assessment within the officer's report. Further, there is no conservation area appraisal for the Ickenham Conservation Area to be able to understand the special features of the conservation area as a whole.

- 4.3 Policy 7.8 'Heritage assets and archaeology' of the London Plan (2016) requires that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.
- 4.4 The Council refused the proposal against policies BE1 Built Environment and HE1 Heritage of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policies DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020). These are set out below.

Hillingdon Local Plan: Part One - Strategic Policies (November 2012)

- 4.5 Policy BE1: Built Environment requires all new development to maintain the quality of the built environment including providing high quality urban design.
- 4.6 Policy HE1: Heritage states that the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape.

Hillingdon Local Plan Part Two - Development Management Policies (January 2020).

- 4.7 DMHB 1 Heritage Assets states:
- The Council will expect development proposals to avoid harm to the historic environment. Development that has an effect on heritage assets will only be supported where:
- i) it sustains and enhances the significance of the heritage asset and puts them into viable uses consistent with their conservation;
 - ii) it will not lead to a loss of significance or harm to an asset, unless it can be demonstrated that it will provide public benefit that would outweigh the harm or loss, in accordance with the NPPF;
 - iii) it makes a positive contribution to the local character and distinctiveness of the area;
 - iv) any extensions or alterations are designed in sympathy, without detracting from or competing with the heritage asset;

4.8 DMHB 4 Conservation Areas states:

New development, including alterations and extensions to existing buildings, within a Conservation Area or on its fringes, will be expected to preserve or enhance the character or appearance of the area. It should sustain and enhance its significance and make a positive contribution to local character and distinctiveness. In order to achieve this, the Council will:

Require proposals for new development to be of a high quality contextual design. Proposals should exploit opportunities to restore any lost features and/or introduce new ones that would enhance the character and appearance of the Conservation Area.

4.9 DMHB 11 Design of New Development is a long policy so I won't repeat it all here. The most relevant sections are as follows:

All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

i) harmonising with the local context by taking into account the surrounding:

- scale of development, considering the height, mass and bulk of adjacent structures;
- building plot sizes and widths, plot coverage and established street patterns;
- building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
- architectural composition and quality of detailing;
- local topography, views both from and to the site; and
- impact on neighbouring open spaces and their environment.

ii) ensuring the use of high quality building materials and finishes;

4.10 Whilst not included within the refusal decision notice, I consider policy DMHD 2: Outbuildings to be of relevance as it provides an understanding as to the Council's policy for outbuildings within the grounds of residential properties. Whilst the appeal site is commercial, it backs onto residential properties where outbuildings have been constructed (likely as permitted development).

4.11 The policy states:

The Council will require residential outbuildings to meet the following criteria:

- i) the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;
- ii) the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;
- iii) the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and
- iv) primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.

4.12 In this case, the outbuilding is of a good standard of design which would not harm the amenity of neighbouring properties due to its low height and distance from their habitable rooms or space. The footprint would be proportionate to the host building which is significantly larger; the proposal includes the planting of two new trees (to replace those recently felled) and the use would be entirely incidental to the restaurant (for storage purposes). In all respects the proposal would apply to the outbuilding policy. A copy of this policy is provided as Appendix A at the end of this statement.

5.0 ASSESSMENT OF THE PROPOSED DEVELOPMENT

5.1 The main issue for consideration is the impact the building has upon the character and appearance of the conservation area and the locality in general. The outbuilding is not visible from the public realm or the streetscene and thus there is no impact upon the appearance from Swakeleys Road.

5.2 The reason for refusal specifically refers to the size, scale and position of the outbuilding being visually intrusive, and incongruous form of development thereby harming the host

property and failing to either preserve or enhance the character or appearance of the surrounding Ickenham Village Conservation Area. The outbuilding is to be 2.5m high measuring 4m x 5.5m and thus 22sqm in area. This is small in comparison of the overall site being 249sqm (less than 10%).

- 5.3 To consider the impact on the building itself and the conservation area it is important to understand the character of the building and the part of the Ickenham Village Conservation Area that the appeal site is within. It is also important to consider the areas from which the development can be viewed.
- 5.4 This part of Swakeleys Road consists of a row of shops, restaurants and other commercial buildings including the Village Hall. The significance of the appeal site is derived from the principal elevation of the dwellings as viewed from the road which retain many of their original features (albeit being commercial in use), as shown below:



- 5.5 The rear building line of the terrace is at best ad hoc, with dormer extensions, first floor rear additions and substantial ground floor extension with differing roof forms, heights and widths dominating the terrace. There is no uniformity nor prevailing character and it is very commercial in its nature.
- 5.6 The claim that a rear outbuilding, measuring 2.5m in height and of a footprint of 22sqm situated 23m from the rear of the host building, harms the character and appearance of the host building and the wider Conservation Area seems implausible, given the context of the

development and the lack of a prevailing character to preserve. In addition, views of the rear of the commercial buildings are only limited to private views from the adjoining residential gardens and other commercial units. Accordingly, the impact of any development within the rear garden is limited. It would sit within a context defined by other similar residential and commercial outbuildings which will be notable when the Inspector undertakes his/her site visit. The outbuilding would sit within a context defined by other similar outbuildings. Consequently, the development would have a neutral effect, therefore preserving both the character and the appearance of the Ickenham Village Conservation Area.

- 5.7 Having established that there is no harm to the building or wider Conservation Area, it is necessary to consider the design of the outbuilding. Paragraph 130 of the NPPF advises that 'where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development'. With this in mind, it is relevant to consider the Outbuilding Policy DMHD 2 from the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) referred to above. The design is functional and utilitarian as an outbuilding to a commercial building within a commercial environment which is considered to be expected in this location. The height has been kept to the lowest (which would be permitted development were it a residential dwellinghouse) and cannot be described as being of poor design.

6.0 CONCLUSIONS

- 6.1 As set out above, the outbuilding is not considered to cause such demonstrable harm to warrant refusal. The garden is very long and the area is characterised with outbuildings within the gardens and this structure would not be out of character or harmful within this mixed commercial and residential environment. The proposed outbuilding is only 22sqm in size, is of small scale compared to the host building and plot, of low height with a flat roof and would be positioned within the redundant rear garden. It would therefore not constitute a visually obtrusive and incongruous form of development which would be harmful to the character and appearance of the original property. Due to the commercial nature of the rear of all the

shops and restaurants, it would preserve the character or appearance of the surrounding Ickenham Village Conservation Area.

- 6.2 The outbuilding remains a subordinate addition within the grounds of a commercial building and relates well to the host building which is 23m away.
- 6.3 Overall, the proposal is considered to be in general conformity with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 4, DMHB 11 of the Hillingdon Local Plan Part Two – Development Management Policies (January 2020) and Policy 7.8 of the London Plan (2016) which are all in general conformity with the NPPF 2019.
- 6.4 For the reasons set out above it is considered that the proposal accords with national and local planning policies. The Inspector is therefore respectfully requested to allow the appeal.

Outbuildings

A1.32 The use of an outbuilding for purposes ancillary or incidental to the enjoyment of the main house, for example as a games room, playroom or for general storage does not normally require planning permission, however it does require planning permission if within the curtilage of a Listed Building. An outbuilding which is considered to be 'incidental' does not require the provision of facilities such as a bathroom, bedroom or kitchen. These facilities are considered to be primary living accommodation located within the main house.

A1.33 The Council will aim to safeguard the character and appearance of an area and the amenity of local residents from inappropriate development, such as 'beds in sheds'. The Council will strongly resist proposals for detached outbuildings which are considered to:

- i) be capable of independent occupation from the main dwelling and which effectively constitute a separate dwelling in a position where such a dwelling would not be accepted; or
- ii) result in an over dominant and visually obtrusive form of development and as a result have an adverse effect on the character and appearance of the dwelling and the wider locality.

A1.34 As a general guide, an outbuilding should be no greater than 30 square metres and should not significantly reduce private amenity space or the landscape and ecological value of the garden. Outbuildings should respect neighbouring properties and should not result in the excessive loss of residential amenity, privacy, outlook and overshadowing/sunlight.

Policy DMHD 2: Outbuildings

The Council will require residential outbuildings to meet the following criteria:

- i) **the building must be constructed to a high standard of design without compromising the amenity of neighbouring occupiers;**
- ii) **the developed footprint of the proposed building must be proportionate to the footprint of the dwelling house and to the residential curtilage in which it stands and have regard to existing trees;**
- iii) **the use shall be for a purpose incidental to the enjoyment of the dwelling house and not capable for use as independent residential accommodation; and**
- iv) **primary living accommodation such as a bedroom, bathroom, or kitchen will not be permitted.**

