
Appeal Decision

Site visit made on 5 December 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 12 December 2017

Appeal Ref: APP/R5510/D/17/3183520
21 Dawley Avenue, Uxbridge UB8 3BT

- 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 Nadeem Sharon against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 18496/APP/2017/2087, dated 7 June 2017, was refused by notice dated 14 August 2017.
 - The development proposed is to retain a detached outbuilding to be used as a gymnasium.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At my site visit I observed that the detached outbuilding has been erected. Consequently, the current proposal is retrospective and I have dealt with the appeal on that basis.

Main Issues

3. The main issues are:
 - i. Whether the building is capable of independent occupation with resultant requirements for parking and amenity space and the suitability of the site to host an independent residential unit;
 - ii. The effect on the living conditions of the occupants of neighbouring residential properties with particular reference to outlook and privacy; and
 - iii. The effect on the character and appearance of the area.

Reasons

Independent Occupation

4. Although at the time of my site visit the outbuilding was not being occupied as an independent residential unit there is clear evidence that it is capable of being so. It has been constructed with cavity walls, double glazed windows, contains a bathroom with shower and is serviced with water and electricity. There is evidence that part of the inside has been designed to host domestic

facilities having partly tiled walls and pipes to serve domestic appliances such as a washing machine, for example.

5. I also observed that furniture was covered and stored in the building, including a table, double mattress and single mattress. At the time of the Council's site visit it appeared that the building was being used for residential purposes and local residents have commented that the outbuilding has been occupied by a family. I have no firm evidence to dispute this. The building could quite easily be accessed separately to the main dwelling via a side gate. Although I did observe one piece of gym equipment in the building it certainly appeared to me that it had been designed and erected with a residential function in mind.
6. Consequently, on this issue I conclude that the building is capable of independent occupation. Given the close relationship between the building, the host property and other residential properties in the immediate vicinity and the size of the plot in which it is located there would be unacceptable impacts on the occupants of neighbouring residential properties and I do not consider the building to be suitable for independent occupation. In the delegated report the Council states that there is no alteration in parking requirements as a result of this proposal, yet the reason for refusal identifies that the development could result in additional requirements for parking. It seems to me that the Council's concern with reference to parking is based on potential independent occupation rather than the building being used as ancillary accommodation. I have no evidence that additional parking could be made available in the appeal site. Furthermore, there is no availability of land within the site to provide a separate private outdoor amenity space. As such I do not consider that the site is suitable to host an independent residential unit.
7. Therefore, the proposal is contrary to Policies AM14, BE13, BE15, BE19, BE21, BE23 and BE24 of the London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27 September 2007 (the Saved UDP) and the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Extensions December 2008 (the SPD). Among other objectives these seek to ensure that new development is in accordance with the Council's adopted car parking standards, the layout and appearance should harmonise with the existing street scene, improves the character of the area, would not result in significant loss of residential amenity, maintains external amenity space and protects the privacy of the occupiers and their neighbours. However, on this issue I find there to be no conflict with Policy BE20 of the Saved UDP which relates to light.

Living conditions

8. The detached single storey brick and render pitched roof building has been erected in the rear garden of the semi-detached residential property. It is my understanding that it has replaced a garage that was previously on the site. The building is situated very close to the boundaries of Nos 19 and 23 Dawley Avenue and 1 Cromer Close. As a consequence of its siting, size, bulk, massing and height in this relatively small site close to other residential properties in the immediate vicinity I consider it to be highly prominent and visually intrusive. Of particular concern is the effect on the outlook from the rear of No 23 which is situated close by. The building dominates the outlook from that property.

9. Furthermore, the front elevation of the building would be close to the rear window of No 23 and at my site visit I observed that there is clear overlooking between the building and the neighbouring property. As a result of the relationship and close proximity the level of overlooking would be significant and harmful.
10. The Council has also raised concerns regarding the relationship between the outbuilding and the existing residential property No 21. The main front facing windows of the outbuilding face directly towards the rear windows of the existing dwelling at very close proximity of less than six metres. Therefore, if the outbuilding was to be occupied as an independent unit of accommodation there would be significant harm in terms of overlooking and loss of privacy.
11. Therefore, on this issue I conclude that the building has a harmful effect on the living conditions of the occupants of neighbouring residential properties with particular reference to outlook and privacy. As such it conflicts with Policies BE19, BE21 and BE24 of the Saved UDP and the SPD which, among other objectives seek to ensure that new development complements the amenity of the area and protects the privacy of the occupiers and their neighbours.

Character and appearance

12. The outbuilding extends to the boundaries of the site and is particularly large in relation to the overall plot size. Materials do not satisfactorily match the existing house and as a consequence of its overall design, scale and massing on the restricted site the outbuilding represents a dominant, overly-prominent and incongruous feature to the rear of the existing residential properties. It is highly conspicuous in its setting and is at odds with the established pattern of development in the locality.
13. The appellant contends that the local planning authority has allowed other large domestic type buildings elsewhere, but I consider that the scale of this particular building in this setting is particularly harmful to the character and appearance of the area. As such it conflicts with Policy BE1 of the Local Plan Part 1 Strategic Policies Adopted November 2012, Policies BE13, BE15 and BE19 of the Saved UDP and the SPD which seek to achieve a high quality design for all new buildings, not result in the inappropriate development of gardens that erode the character of suburban areas and complements the amenity and character of the area.

Conclusion

14. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR