



## Appeal Decision

Site visit made on 4 December 2024

**by Hannah Guest BSc (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2024**

**Appeal Ref: APP/R5510/W/24/3336921**

**The Great Western, Dawley Road, HAYES, UB3 1NF**

- 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 Multani Estate Management Limited against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 42682/APP/2023/3243.
- The development proposed is single storey side roofed structure with 12 timber poles to support the roofed structure.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I saw on my visit that the roofed structure has already been constructed. It is positioned broadly as shown on the Proposed Elevations, Reference 04 A EX. However, the Proposed Plans, Reference 05 A PP, show it in a slightly different position, closer to the front boundary fence adjacent to the car park serving the appeal property. Nonetheless, in this case, the discrepancy in the positioning is not significant and the precise positioning of the roofed structure has not affected my decision on the main issue.
3. On 12 December 2024, a revised National Planning Policy Framework (the Framework) was published. Those parts most relevant to this appeal have not been significantly amended. I will refer to the updated paragraph numbers where necessary in this decision.

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the living conditions of the occupants of No. 2A Shepiston Lane, with particular regard to noise and disturbance.

### Reasons

5. The roofed structure covers a section of the beer garden serving the appeal property, the Great Western public house. It is positioned between the public house building and the neighbouring dwelling, No. 2A Shepiston Lane. The section of covered beer garden is accessed directly from the public house building via a set of double fire doors. There is also a gate providing access from the car park to the front of the property, which was padlocked shut during my visit.

6. There is no dispute between the parties that the shelter provided by the roofed structure increases the likelihood of noise and disturbance. This is because it intensifies the use of this section of the beer garden by allowing outdoor eating and drinking associated with the public house to take place later in the evening and in varying weather conditions.
7. Interested parties mention that events have taken place under the roofed structure, which involved amplified music being played under it, and the Council refer to the design of the roofed structure resulting in noise amplification and echoing. This is also not disputed by the appellant.
8. Irrespective of the exact location of the boundary between the appeal property and No. 2A Shepiston Lane, which is a civil matter, I saw on my visit that the roofed structure is positioned very close to the boundary with No. 2A Shepiston Lane and in proximity to the property's rear garden, rear windows, and rear doors. It covers a relatively large section of the beer garden and could accommodate a significant number of people.
9. The surrounding area is predominantly residential except for a row of commercial units located on Dawley Road on the other side of Pinkwell Lane. Despite there being reasonably frequent vehicle and pedestrian movements along Dawley Road and Shepiston Lane, during my visit the level of background noise was low, particularly under the roofed structure.
10. For these reasons, and in the absence of any evidence to the contrary, I am of a similar view to the Council's Enforcement Officer, that the increase in noise and disturbance arising from the use of the roofed structure would likely have an adverse impact on the living conditions of neighbouring occupants.
11. In terms of the occupants of No. 2A Shepiston Lane, given the proximity of the covered structure, the additional noise and disturbance would be to an appreciable degree and would result in significant harm to their living conditions.
12. The appeal proposal differs from a previous application to retain the roofed structure. In this case the appellant would be willing to restrict the usage of the roofed structure to 11:00 to 21:00 Sunday to Thursday and 11:00 to 22:00 Friday and Saturday. Also, no amplified music would be played under the roofed structure after 20:00 on any day.
13. Nevertheless, whether or not a condition, which met the tests referred to in Paragraph 57 of the Framework, could be imposed to secure these restrictions, they would not fully address the harm to the living conditions of the neighbouring occupants. The proposed hours of use would still allow for increased levels of noise and disturbance into the evening on every day of the week when the occupants are more likely to be resting at home.
14. Accordingly, the retention of the roofed structure would increase levels of noise and disturbance, which would significantly harm the living conditions of the occupants of No. 2A Shepiston Lane. This would conflict with Policy DMHB 11 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (2020) and Policies D3 and D14 of the London Plan (2021). These seek to ensure that development proposals avoid significant adverse noise impacts on health and quality of life.

## **Conclusion**

15. I have found that the proposal would significantly harm the living conditions of the neighbouring occupants at No.2A Shepiston Lane with regards to noise and disturbance.
16. The modest economic and social benefits arising from the intensified use of the section of beer garden located under the roofed structure would neither outweigh nor address this harm. The proposal would therefore conflict with the development plan read as a whole.
17. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

*Hannah Guest*

INSPECTOR