



Appeal Decision

Site visit made on 23 March 2021 by Thomas Courtney BA (Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2021

Appeal Ref: APP/R5510/D/20/3263439

55 The Greenway, Ickenham, UB10 8LU

- 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 Darshan Singh against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 4716/APP/2020/1942, dated 26 June 2020, was refused by notice dated 1 September 2020.
- The development proposed is the extension to existing outbuilding.

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, including its effect on the adjacent tree.

Reasons for the Recommendation

4. The appeal site accommodates an existing red brick outbuilding within the rear garden of No. 55 The Greenway. The host dwelling, a detached bungalow finished with white render, has recently been altered and extended. There are no trees present within the appeal site however a large mature oak tree stands in close proximity to the south eastern boundary of the site within the neighbour's garden at No. 53. The southern side of The Greenway is characterised mostly by detached bungalows with rear gardens bordering wooded parkland.
5. Although the resultant outbuilding would exceed 30 sqm, it would not appear excessively large as it would remain subservient in scale to the host dwelling and would be proportionate to the size of the curtilage. I also observed that it would be similar in scale to other large outbuildings associated with neighbouring properties on The Greenway and therefore it would not appear incongruous in this context. The remaining garden area would still be adequately sized and would maintain a degree of spaciousness within the plot.

6. Whilst the enlarged outbuilding would be finished with red brick and would contrast somewhat with the host dwelling that is finished with white render, I do not find it would harm the character of its surroundings, given that many neighbouring properties are built with red brick. It is also not unusual for an outbuilding to be built with different materials to the main house. The overall architectural style would be simple, functional and would thus appear inconspicuous.
7. Furthermore, whilst the development would be visible from the pathway within the parkland to the rear of the site, its relatively modest single-storey height and the thick vegetation directly abutting the boundary would mean it would not appear prominently and would not unacceptably erode the openness and sylvan character of the immediate area.
8. I acknowledge the concerns regarding the potential use of the enlarged outbuilding as independent residential accommodation however the plans do not indicate as such and the appellant has contended that this is not the intention. Nonetheless, further to the Council's suggestion, I consider that this is a matter which could be adequately addressed by the imposition of a condition requiring the outbuilding to remain at all times incidental to the main use of the property.
9. Turning to the adjacent oak tree within No. 53's garden, the Tree Preservation Order No.514 map identifies this protected tree as T23, whereas T22 no longer exists. The oak tree is substantial in size and located close to the proposed development. It is an attractive specimen and makes a substantial and positive contribution to the visual amenity of the area (as recognised by its inclusion in the TPO). In the absence of an Arboricultural Impact Assessment (AIA) I cannot attest to what extent the proposed works would affect the roots of the protected tree.
10. Whilst I note there would be a degree of separation between the development and T23, I am not satisfied the principle of the development would necessarily be acceptable. Establishing the extent and form of works which would be deliverable without harming the protected tree goes to the heart of the acceptability of the development. This is a matter which must therefore be resolved prior to the grant of planning permission and not deferred for later consideration by use of a planning condition.
11. I therefore agree with the Council that in the absence of an AIA or other arboricultural assessment, insufficient evidence has been submitted by the appellant with regards to the effect of the proposed development on the adjacent protected tree. In light of the tree's positive visual contribution to the area, its loss would harm the character and appearance of the area.
12. Given the above, whilst the design of the outbuilding is satisfactory, potential harm to the protected tree would have an adverse impact on the character and appearance of the surrounding area. It would therefore conflict with Policy BE1 of the Hillingdon Local Plan Part One- Strategic Policies, and Policies DMHD 2 and DMHB 14 of the Hillingdon Local Plan Part Two- Development Management Policies. These policies seek to ensure proposals are well-designed and respect the character of the area in which they lie, ensure new outbuildings are constructed to a high standard of design and have regard to, as well as retain and enhance existing trees.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, the proposed development would not accord with the development plan taken as a whole, and I recommend that the appeal should therefore be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR