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## Appeal Decision

Site visit made on 25 January 2021

**by Tim Wood BA(Hons) BTP MRTPI**

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

**Decision date: 15 February 2021**

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**Appeal Ref: APP/R5510/W/20/3261429**

**3 Field Way, Ruislip HA4 7LT**

- 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 Peter Modrekelidze against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 59248/APP/2020/1381, dated 30 April 2020, was refused by notice dated 7 July 2020.
  - The development proposed is a single storey detached garden building for ancillary use.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues in this appeal are:
  - The effects of the building on the character and appearance of the area
  - Whether the proposal would amount to the creation of a new dwelling.

### Reasons

#### ***Character and Appearance***

3. The appeal site accommodates this 2 storey residential property which is located within an area of similar properties. It sits at the junction of Field Way and Field Close with the building sitting away from the junction and its open garden area occupying the corner. The design and layout of the roads and properties gives rise to a distinctly 'garden suburb' character, as referred to by the Council.
4. The layout of the appeal site is mirrored on the opposite corner of the junction by a symmetrical arrangement at No 5 Field Way. This provides an open entrance to Field Close which contributes positively to the character and appearance of the area.
5. The proposal envisages a detached building of a flat-roofed and rectangular design sitting a short distance from the side wall of the existing building. Although the majority of the open area would remain, the proposal would considerably diminish the sense of openness at this corner site. In my judgement it would unacceptably erode the positive contribution that the site makes to the character and appearance of the area. I have noted that there is

a detached garage at No 5 in a similar position to what is proposed at the appeal site. However, the garage is considerably smaller in size and does not have the same degree of negative effect that would arise from the proposal. Therefore, I conclude on this issue that the proposal would have an unacceptable effect on the surrounding area, contrary to Policy DMH 6 of the Local Plan Part 2 Development Management Policies (DMP).

### ***Separate Dwelling***

6. Policy DMHD 2 of the DMP relates to residential outbuildings and states that the Council will require them to: 1) be constructed to a high standard; 2) the footprint must be proportionate to the existing dwelling and its curtilage; 3) the use should be ancillary to the main dwelling and not be capable for use as independent residential accommodation; 4) primary living accommodation such as bedroom, bathroom or kitchen will not be permitted. I have concluded above in relation to the effects on the locality covered by criterion 2) and in this respect, the proposal raises conflict.
7. The appellant states within the documents that the proposed building would be used for purposes ancillary to the main dwelling. In relation to other criteria, there is no internal layout indicated and so none of the facilities mentioned in criterion 4 are shown. Whilst I note the Council's concerns, based on the submissions made I consider that the proposal does not amount to the creation of a new dwelling. In any event, if it were to be converted at a later stage, it could be controlled by the Council.

### **Conclusions**

8. Although I have agreed with the appellant in relation to the second main issue, I have concluded that the building would have an unacceptable effect on the character and appearance of the area, for the reasons set out above. I find that there are no other matters which are sufficient to outweigh that harm. Therefore, the appeal is dismissed.

*S T Wood*

INSPECTOR