
Appeal Decision

Site visit made on 4 October 2016

by Siobhan Watson BA(Hons) MCD MRTPI

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

Decision date: 14 October 2016

Appeal Ref: APP/R5510/W/16/3152843

Land forming part of 9 Fellowes Close, Hayes, Hillingdon, UB4 9QQ

- 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 Barry Williams against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71658/APP/2016/771, dated 23 February 2016, was refused by notice dated 6 June 2016.
 - The development proposed is the erection of a detached dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwellinghouse at land forming part of 9 Fellowes Close, Hayes, Hillingdon, UB4 9QQ in accordance with the terms of the application, Ref 71658/APP/2016/771, dated 23 February 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues are the effect of the proposed development upon (i) the character and appearance of the area; and (ii) the living conditions of: -the occupiers of 3 Dove Close with particular regard to outlook, and: - the future occupiers of the proposed dwelling in respect of bedroom size.

Reasons

Character and appearance

3. The site is the side garden No 9 Fellowes Close which is situated within a modern housing estate. Houses in the estate are close together and there is little green space around. The appeal site has an uncharacteristically large side garden and is tucked away at the end of the cul-de-sac and it cannot be passed by traffic or pedestrians. It is fenced off and not very visible within the street-scene, especially as a detached garage blocks any appreciable view of it. For these reasons, and in spite of the dense layout on Dove Close, I consider that the side garden of the house makes very little positive contribution to the character and appearance of the area. Building a house in this location would be consistent with the surrounding density of development. Furthermore, the proposed house would be of a very similar size, height and design to the existing house at No 9 and it would not look out of place within the street-scene.
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4. I conclude that the proposed development would have an acceptable effect upon the character and appearance of the area. I find no conflict with Policy BE1 of the Hillingdon Local Plan (LP): Part 1 – Strategic Policies (2012) (LP); Policies BE13, and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) (UDP), the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts, or Policies 3.5 and 7.4 of the London Plan, which, in combination, require that new development harmonises, complements or improves the character of an area and is designed to be appropriate to the identity and context of the townscape.

Living Conditions

5. No 3 Dove Close has a fairly short rear garden. However, its main rear elevation would not directly face the proposed dwelling. Instead it would look out onto the parking and turning area and straight down the cul-de-sac. Therefore, the proposed house would not be dominant within the outlook from this dwelling.
6. The Housing Standards Minor Alterations to the London Plan, March 2016 (MALP) adopts the provisions of the Technical Housing Standards – Nationally Described Space Standard which requires a single bedroom to have a minimum floor area of 7.5 SqM. The Council considered that the smallest bedroom of the proposed dwelling would be too small. However, the appellant has provided an amended plan which has made a small alteration to the first floor internal layout so that all bedrooms now meet the space standards. The Council has had an opportunity to comment on the amended plan. As neighbouring occupiers would not be affected by the amendment I accept the plan which overcomes the Council's objection.
7. I conclude that the proposed development would not harm the living conditions of the occupiers of 3 Dove Close and it would provide acceptable living conditions for the future occupiers of the dwelling. As such I find no conflict with UDP Policies BE19 and BE21, the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts, Policy 3.5 of the London Plan, MALP, or the Mayor of London's adopted Supplementary Planning Guidance - Housing, March 2016 which seek to protect the living conditions of neighbouring occupiers and to ensure that dwellings provide adequate internal space.

Other Matters

8. I have taken into account the representations made by interested parties. I note neighbour's concerns in relation to parking and construction traffic. I am satisfied that sufficient car parking and manoeuvring space would be provided for both the existing and proposed dwelling. I appreciate that construction traffic can be inconvenient but this would be of a temporary nature and is not a reason to withhold planning permission.

Conditions

9. I have considered the Council's suggested conditions in accordance with the Planning Practice Guidance. In addition to the standard implementation condition it is necessary, in the interests of precision, to define the plans with which the scheme should accord. Conditions concerning external materials and

landscaping are required in the interests of the character and appearance of the area. The landscaping condition requires details of boundary treatment so a separate condition is not necessary. The landscaping condition is simpler than that proposed by the council as I do not consider it necessary to require living walls, living roof or an electric car charging point. I have not attached a landscape maintenance condition as it is not necessary for 1 single private garden. A condition requiring the provision of car parking is necessary in the interest of highway safety. I have not required visibility splays because such a condition is not necessary due to the presence of the existing access.

Conclusion

10. Taking into account all the above I allow the appeal subject to the conditions below.

Siobhan Watson

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9FC-15169/ -001 A; -002; -003 A
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) means of enclosure and boundary treatments;
 - ii) cycle storage;
 - iii) refuse storage;
 - iv) finished levels;
 - v) hard surfacing materials;
 - vi) renewable energy installations where relevant;
 - vii) lighting;
 - viii) an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme.

- 4) No works of construction shall take place until samples of all external facing and roofing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 5) The development shall not be occupied until the car parking layout shown on the approved plans has been provided and surfaced. It shall remain available for car parking thereafter.