
Appeal Decision

Site visit made on 15 February 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 27th February 2017

Appeal Ref: APP/R5510/W/16/3163759
20A Keats Way, West Drayton UB7 9DR

- 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 Das Lal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 18417/APP/2016/1878, dated 16 May 2016, was refused by notice dated 21 September 2016.
 - The development proposed is described as “the creation of a two storey, two bedroom attached dwelling with associated parking and amenity space (part retrospective).”
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the banner heading is a more accurate description of the appeal site than that given on the application form and reflects that found on the appeal form and the Council’s decision notice.
3. The appeal proposal was amended following submission to the Council but prior to its determination. The changes, shown on amended plans, are minor in nature such that I am satisfied that all relevant parties would not be prejudiced by my consideration of them.
4. It is indicated that the two-storey side extension at the property has been converted into a separate three bedroom dwelling. It is evident that those works do not accord with the appeal proposal. As such, I have considered the appeal on the basis of the proposal contained in the plans which were before the Council and not that which has been carried out.

Background and Main Issue

5. An application to convert the appeal property to two dwellings was subject to an appeal in 2011¹. On that occasion, the Inspector found sufficient harm in the layout of the proposed accommodation and in the failure to provide ‘Lifetime Homes’ standards to dismiss the appeal. The Inspector noted that the proposed equal subdivision of 100m² of garden between the two properties would be sufficient to meet the needs of future occupiers.

¹ APP/R5510/A/10/2141192

6. A second application to provide a 3-bed dwelling at the appeal site was subject to an appeal in 2013². The scheme sought to overcome the concerns of the previous Inspector. Nevertheless, the proposed rear garden was smaller than that of the 2011 scheme. The appeal was dismissed and the Inspector found that the smaller garden weighed against the scheme.
7. The application subject of this appeal sought to address the concerns of the previous Inspector in relation to the standard of internal floor space. The Council has raised no concerns in respect of the internal layout and is satisfied that the proposal would provide a suitable standard of internal accommodation. However, the level of outdoor amenity space remains a matter of dispute between the parties.
8. The main issue, therefore, is whether the proposal would provide satisfactory living conditions for future occupiers of the appeal property with particular regard to outdoor amenity space.

Reasons

9. Policy BE23 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies 2012 (LPP2) states that new residential buildings should provide external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings and which is usable in terms of its shape and siting. The Hillingdon Design and Accessibility Statement Residential Layouts Supplementary Planning Document 2006 (HDAS) states at paragraph 4.15 that a two bedroom house should provide a minimum of 60m² garden space.
10. The appeal site is a two-storey, end-terraced property with a two-storey extension to the side. The property has a rear garden which contains detached outbuildings. There is also a glazed canopy which covers a storage area to the rear. It is proposed to convert the two-storey side extension of the appeal property into a separate two-bedroom dwelling, with a separate garden.
11. The appellant asserts that the proposed dwelling would benefit from a usable garden which would be commensurate with the size of the dwelling. However, no figures of the overall amount of amenity space proposed have been provided. The Inspector in the 2013 appeal found that the space proposed in the previous scheme would be around 25% less than the minimum 60m² sought by the HDAS. There is nothing before me to suggest that the level of space proposed here has increased since the 2013 scheme. Indeed, it is apparent that the canopy extension to the rear has been erected in that time. This would further reduce the available space, with an outdoor area of around 3.9m in depth now proposed.
12. The appellant indicates that he would be willing to remove the outbuildings and canopy to increase the size of the gardens of both the existing and proposed property in line with those considered acceptable by the Inspector in the 2011 appeal. However, there is no evidence before me to demonstrate that their removal would necessarily provide amenity space of an adequate size. Indeed, in contrast to the 2011 appeal, the existing amenity space would not be equally sub-divided between the two dwellings in this appeal scheme. Rather, as was

² APP/R5510/A/12/2182346

the case in the 2013 appeal, the plans show the garden of the proposed dwelling would be notably smaller than that retained for the existing property.

13. As such there is no substantive evidence before me to demonstrate that the proposed amenity space would accord with the guidance set out in the HDAS. Indeed, on the evidence before me, the level of amenity space proposed would likely fall below the minimum standards of the HDAS, either with or without the canopy and the outbuildings. A condition to secure their removal would not therefore be necessary.
14. Moreover, the rear garden would be notably constrained in its depth and width and would be substantially smaller than those of surrounding properties. As a result, in my view, the amount of amenity space would not be commensurate with the size of the property proposed and would not provide adequate space for typical domestic outdoor activities. I recognise that future occupiers would have use of the canopy area and the outbuildings. However, they would not constitute outdoor amenity space for the purposes of Policy BE23 of the LPP2.
15. I conclude, therefore, that the proposal would not provide satisfactory living conditions for future occupiers of the appeal property with particular regard to outdoor amenity space. Consequently, the proposal would conflict with Policy BE23 of the LPP2, BE19 of the LPP2 which states that new development should complement or improve the amenity of the area and the guidance set out in the HDAS.

Other Matters

16. I note that the Council has no objection to the principle of development or that the proposal would provide satisfactory internal accommodation. I see no reason to disagree, however, the lack of harm in respect of such matters would not outweigh the harm which I have identified in respect of the main issue.
17. The proposal would make a contribution to the housing supply of the area. However, the contribution would be modest in its extent and I therefore afford it no more than limited weight.

Conclusion

18. The appellant considers that 'less weight' should be given to the matter of amenity space. However, I have found in this instance the failure to provide adequate amenity space would be harmful to future occupiers of the appeal property. That is a matter to which I afford considerable weight.
19. I find that there are no considerations which would outweigh the conflict with the development plan in this instance. Therefore, for the reasons given above I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR