
Appeal Decision

Site visit made on 9 May 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 19 June 2017

Appeal Ref: APP/R5510/W/17/3169275

8 Belgrave Mews, Uxbridge UB8 3AG

- 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 Paul Davey against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44518/APP/2016/4244, dated 22 November 2016, was refused by notice dated 6 February 2017.
 - The development proposed is the conversion of garage to a one bedroom flat, installation of bay windows to side and alterations to elevations.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the proposed development would have on the living conditions of future occupiers.

Reasons

3. The appeal proposal seeks to convert a double garage with a pitched roof to a single bedroom house. It is situated adjacent to a garage court between a row of garages and the road at the end of a cul-de-sac of terraced houses which, together with the entrance to the garage court, acts as a turning head. The dwelling would be very compact internally, would be served by an entrance facing onto the road at the front and would have a narrow, wedge shaped area of outdoor space to the rear.
 4. Notwithstanding the domestic alterations to the building's exterior and modest landscaped area to the front, the building would remain visually associated with, and would feel more part of, the group of garages due to its physical proximity to them than the rows of terraced houses lining either side of Belgrave Mews.
 5. The experience of residing within, and arriving at and leaving, the dwelling would be one more akin to living within the environs of the garage court rather than the residential part of the estate where houses are characterised by more generous set-backs from one another, the estate roads and the garages. Occupiers would feel somewhat isolated from the main group of dwellings on Belgrave Mews as a result. The dwelling's siting would be compromised in this respect.
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6. I am conscious that in dismissing a previous appeal¹ for a similar proposal, the Inspector in that case considered that its “restricted outlook, privacy concerns and the potential for the occupiers being subjected to noise disturbance does not suggest that the building’s conversion for residential purposes would be an appropriate change of use” with a lack of useable garden space, and cycle and refuse storage compounding its shortcomings for residential use. I have given this previous decision considerable weight whilst recognising the differences in design and configuration between that and the scheme before me which include measures the appellant has taken in an attempt to overcome the deficiencies of that previous scheme.
7. The lack of private outdoor space along with cycle and refuse storage has been addressed. The removal of two large bay windows facing onto the approach to the garage court would reduce the degree of intrusion arising from passing vehicles and pedestrians. However, the front door and window would face onto the adjacent turning head. This proximity would mean that the proposed dwelling would be markedly closer to sources of vehicle noise and disturbance than other houses in the vicinity.
8. I agree with the appellant that vehicles going to and from the garage court could do so without utilising the turning head. Also, such disturbance would be limited by the number of garages and only likely to be intense for short periods and at certain times of the day. Nevertheless, the main outward aspect of the dwelling would remain directly onto vehicle circulation space and the dwelling’s proximity on two sides to the highway would remain an intrusive element and general disturbance would not be eliminated. Although the small area of land between the front elevation and the turning head could be landscaped to provide a partial buffer its effects would be limited by its size and shape. It would not mitigate the effects of the proposal’s situation.
9. The Council point out that this front elevation would be 15m from that of the two storey house opposite at 1 Belgrave Mews. Notwithstanding that the Council considered that this relationship would not warrant refusal alone, this would create a close and therefore sensitive relationship. Overlooking from the two storey No 1 would occur leading to a loss of privacy within the only ground floor room of the proposed dwelling. The separation distance would be considerably less than the 21m minimum distance between habitable rooms recommended by the Council’s design guidance² to avoid overlooking.
10. The appellant’s suggestion of treating the front window with obscure glass could prevent passers-by and neighbours in No 1 from looking directly into the dwelling. However, the close proximity of the dwelling to roads at the front and side, and its neighbour opposite, would nevertheless result in a frontage and entrance which has little privacy.
11. Furthermore, the south facing side windows at ground floor within the proposed dwelling would be situated very close to a tall fence which bounds the adjoining gardens. Much of the roof light serving the first floor bedroom would need to be obscure glazed to avoid mutual overlooking between the property and houses and gardens to the south on Dellfield Crescent. This would leave only the ground floor rear windows with any substantive manner of outlook and this too would be constrained as a result of the enclosure of the outdoor space onto

¹ APP/R5510/W/15/314421.

² Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document: Residential Layouts, 2006.

which it would look from the aforementioned fence and the back wall of the garage block. The interior of the property would consequently feel particularly enclosed and oppressive as a result, including by way of attempts to mitigate other adverse effects.

12. Overall the cumulative effect of the shortcomings of the dwelling's location, siting and design would lead to the dwelling being significantly compromised as a place to live as a result of its limited privacy and outlook, and susceptibility to vehicle disturbance. This would materially harm the living conditions of future occupiers.
13. I can appreciate that the appellant has attempted to overcome the deficiencies of the previous scheme and has addressed some of the shortcomings identified by the Inspector in the previous appeal decision. Nevertheless, the standard of accommodation which would be provided would still fall below that which could reasonably be expected to provide future occupiers of the building with acceptable living conditions. The scheme would not overcome the limitations inherent in converting a garage adjacent to a garage court into an acceptable dwelling.
14. The proposal would be a change of use which would not achieve a satisfactory residential environment nor complement or improve amenity and as such would be contrary to saved UDP³ Policies H8 and BE19. The proposal would not demonstrate the "... imaginative, safe and attractive new residential development, which responds to the specific setting and location of each site" which the supporting Council design guidance requires. The proposal would not accord with the National Planning Policy Framework's (the Framework) core planning principle of always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
15. The benefits of providing an additional dwelling would be limited as a result of the unsatisfactory living conditions and would not outweigh that harm.
16. Harm to existing occupiers' living conditions could be avoided by incorporation of obscure glazing. This, and the proposal's similarity in appearance to the scheme which the previous Inspector found not to be harmful in that respect, would mean the proposal would avoid conflict with saved UDP Policies OE1, BE13 or BE15. Saved UDP Policies BE21 and BE24 are concerned with new buildings and extensions and are therefore less pertinent to the circumstances of the appeal proposal. However, an avoidance of conflict with these policies does not weigh in favour of the appeal.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, the proposal would materially harm the living conditions of future occupiers, contrary to the development plan, Council design guidance and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

³ London Borough of Hillingdon Unitary Development Plan, 1998.