
Appeal Decision

Site visit made on 16 May 2017

by John Dowsett MA DipURP DipUD MRTPI

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

Decision date: 23 June 2017

Appeal Ref: APP/R5510/W/17/3169382

19 How's Close, Uxbridge UB8 2AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms E Fowle against the Council of the London Borough of Hillingdon.
 - The application Ref: 12045/APP/2016/3471, is dated 18 September 2016.
 - The development proposed is the subdivision of existing plot with erection of new two storey dwelling with accommodation in roof; single storey side extension at rear and loft conversion to existing dwelling, including two roof lights to front and two dormers to rear roof.
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Decision

1. The appeal is dismissed and planning permission for the subdivision of existing plot with erection of new two storey dwelling with accommodation in roof; single storey side extension at rear and loft conversion to existing dwelling, including two roof lights to front and two dormers to rear roof, is refused.

Procedural matter

2. Although this appeal is against the failure of the Council to give notice of its decision on the application within the prescribed period, I received as part of the Council's submissions an unsigned and undated officer's report which sets out the Council's concerns regarding the proposal. This report sets out that, had it been in a position to do so, the Council would have refused planning permission for reasons relating to: (1) Harm to the character and appearance of the Rockingham Bridge Conservation Area (2) Substandard living conditions for the future occupiers of the dwellings in terms of internal living space; (3) Substandard living conditions for the future occupiers of the dwellings in terms of inadequate external space; and (4) An adverse impact on parking and road safety in the area.
3. I have therefore determined the appeal on the basis of these putative reasons for refusal.

Main Issues

4. The main issues in this appeal are:
 - Whether the proposed development would provide suitable living conditions for the future occupiers with regard to internal living space;

- Whether the proposed development would provide suitable living conditions for the future occupiers with regard to external amenity space;
- The effect of the proposed development on the character and appearance of the Rockingham Bridge Conservation Area; and
- The effect of the proposed development on parking and road safety in the area.

Reasons

5. The appeal building is a two storey, end of terrace, property, with a two storey, pitched roof, rear addition that has a lower eaves level than the main house with the ridge of the roof meeting the main rear wall at approximately the level of the eaves of the main roof. It has a side and rear garden with a detached single garage located to the side of the main house. It is located at the end of How's Close, a residential road that terminates outside the appeal building at an area of open space.

Living conditions of the future occupiers – internal living space

6. Policy 3.5 of the London Plan 2016 (the London Plan) sets out minimum internal space standards for new housing in London. These are replicated in the Mayor of London's Supplementary Planning Guidance - Housing 2016 (SPG), and both policies reflect the requirements of the Technical Housing Standards – Nationally Described Space Standard (the Standard), which was published in 2015.
7. There is disagreement between the parties as to which floorspace requirement should be applied. The Council have assessed the proposed new dwelling on the basis of it being a three bedroom, six person, dwelling whereas the appellant states that, due to the size of one of the bedrooms and the restricted headroom in another, it is a three bedroom, four person, dwelling. Although occupancy levels are not set out in the planning application documents, from the submitted plans and the information in the appellant's final comments, I am satisfied that the occupancy level suggested by the appellant is the correct basis of assessment.
8. Table 3.3 attached to Policy 3.5 of the London Plan requires that a three storey, three bedroom, four person dwelling provides a minimum gross internal area of 90 square metres. The Council has assessed the gross internal area as 89.3 square metres and the appellant has assessed this as 92 square metres.
9. Whilst both of these figures are close to the 90 square metres required by Policy 3.5, the Council's calculation is qualified by the statement that it has not discounted any areas which have ceiling height of less than 2.3 square metres which is the minimum required for at least 75% of the gross internal area of the dwelling. As the Council's figure is the lower of the two, I consider that the appellant's calculation of the gross internal area will have been made on a similar basis of not discounting areas with a lower headroom. In addition, the Standard also states that any area with a headroom of less than 1.5 metres is not counted within the gross internal area.
10. Neither party has provided measurements in respect of ceiling heights. It is, however, evident from the cross section of the development shown on the submitted plans that headroom within the roof space would be severely

restricted over much of its area and that a significant proportion of this space would have headroom of less than 1.5 metres. Although the section shown is through the existing building, in terms of the accommodation within the roof space, it will be also representative of the proposed development. This restricted headroom would reduce the internal area to below the required 90 square metres.

11. Within this context, I do not find the appellant's argument that the new dwelling element of the proposed development meets the internal space requirements a persuasive one. From the submitted plans, the accommodation on the ground floor and first floor would provide adequate and suitable living conditions. However, due to the limited amount of useable floor area and restricted headroom, the accommodation provided by the third bedroom within the roof space would, in my view, be an excessively constrained space that would not result in a pleasant or practical living environment. Overall the proposed new dwelling would not meet the minimum internal space standard required by Policy 3.5 of the London Plan, the SPG and the Standard, and would not provide suitable living conditions for the future occupants in terms of internal space.
12. The proposed loft conversion at number 19 How's Close would have the same constraints that I have identified above in respect of the rooms within the roof space of the proposed new dwelling house. However, Policy 3.5 of the London Plan and the Standard only apply to new dwellings and not to extensions to existing buildings. I also note that the Council have not raised any particular issues in terms of the standard of accommodation within number 19 How's Close. This notwithstanding, it does not lead me to a different conclusion in respect of the new build element of the scheme.
13. I therefore find that the proposed development would not provide suitable living conditions for the future occupiers of the development with regard to internal living space. It would not comply with the requirements of Policy 3.5 of the London Plan, the Mayor of London's Housing SPG, and the Standard which set out minimum standards for internal accommodation in order to ensure that new housing is fit for purpose.

Living conditions of the future occupiers – external amenity space.

14. Saved Policy BE23 of the Hillingdon Local Plan: Part Two - Saved UDP Policies 2012 (UDP) seeks to ensure that new residential development has adequate external amenity space. The Hillingdon Design and Accessibility Statement, Supplementary Planning Document – Residential Layouts 2006 (HDAS), which has to be read alongside this policy, sets out guidelines for garden space, with a requirement of 60 square metres for 3 bedroom houses. The proposal would result in the existing house retaining a rear garden area of approximately 48 square metres and the new dwelling having a garden area of approximately 44 square metres. The appellant suggests that the proposed front garden areas should also be included which would give both dwellings amenity space close to the 60 square metres required by the HDAS. However, whilst the HDAS does encourage front gardens, it also states that areas that are closely overlooked from roads or footpaths, which would be the case with the proposal, will not be included in calculations of private useable garden space. The proposed development would therefore fail to meet the requirements of the HDAS in quantitative terms.

15. This notwithstanding, the HDAS states at paragraph 4.14 that garden space should be of an appropriate size, having regard to the size of the dwelling and character of the area. At present the appeal building, due to its location at the end of the terrace, has a larger garden area than other houses within the terrace. The garden areas for the two dwellings that would result from the development would be broadly comparable in size to the other houses in the street, which would be consistent with the guidance in the HDAS in respect of having regard to the size of dwelling and character of the area.
16. Policy BE23 does not set out quantitative requirements but requires that sufficient external space is provided or retained to protect the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting. It is common ground between the parties that the proposed development would have no adverse effect on the privacy of the occupiers of neighbouring properties or affect the levels of sunlight or daylight received by them. The Council's objection is purely on the grounds of the quantitative failure. There is no evidence that would indicate that the proposed external areas would not be usable in terms of their shape and siting, and from what I saw when I visited the site, the proposed external amenity areas would be of a comparable size to those of other properties in the street which predate the requirements of the HDAS. It is not suggested that these external areas do not provide suitable external space for the occupiers of similar properties in the vicinity of the appeal site.
17. Whilst the proposed development would not provide external amenity space of the size set out in the HDAS guidelines, it would provide external amenity space that has regard to the size of the dwelling and character of the area, is useable in terms of its shape and siting and which would not cause harm to the living conditions of the occupiers of neighbouring residential properties. I therefore find that the proposed development would provide suitable living conditions for future occupiers of the development with regard to external amenity space. It would comply with the requirements of UDP Policy BE23 and the requirement of the HDAS to provide appropriate external amenity space that has regard to the size of the dwelling and its context.

Effect on the character and appearance of the Conservation Area

18. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight is should be given to the assets conservation.
19. The Rockingham Bridge Conservation Area covers a relatively small area and is situated just to the east of Uxbridge town centre. It is predominantly residential in character largely comprising of two storey, Nineteenth Century, terraced houses with smaller numbers of semi-detached and very few detached houses. There are a number of more recent insertions into the built fabric in the form of three storey blocks of flats. A defining characteristic of the conservation area is the relationship of the built form to the River Frays, which

- runs through it. Fassnidge Park in the north part of the conservation area is another key feature.
20. Whilst there is a range of architectural styles present within the conservation area as a whole, the part in which the appeal site is located is more homogenous in character and appearance, consisting of two storey terraced and semi-detached houses with shared architectural features in the form of ground floor bay windows with a tiled roof and front doors set within an arched recess. Consistent use of buff brick for the external walls with red brick window and door heads and red brick string courses reinforces this harmonised appearance.
21. How's Close is comprised of two short terraces on its south side. On the north side and a terrace of three houses are adjacent to two pairs of later red-brick semi-detached houses. At the east end of the street is an area of open space containing a number of established trees which is adjacent to a ring road around the town centre. Immediately to the south of the appeal site is a modern single storey building accommodating a vehicle servicing garage and a tyre fitting business. The gable wall of this building is contiguous with the rear boundary of the appeal site.
22. Whilst the Council's putative reason for refusal refers to the development as a whole, the Council's assessment of the proposal in their evidence relates exclusively to the new dwelling house element. I note that the Council's Conservation and Urban Design Officer has made some comments in respect of the design detail of the proposed alterations to number 19 How's Close, nevertheless, it is not suggested in the evidence that the Council finds this element of the proposal objectionable or that it would cause harm to the character and appearance of the conservation area. As this consists of two relatively small, pitched roof dormers on the rear roof slope and a small, ground floor, rear extension that would be situated between, and would not project beyond, the existing two storey rear addition of the existing house and the proposed two rear addition of the new build dwelling house element of the proposal, I have no reason to reach a different conclusion in respect of this part of the proposal.
23. The proposed new dwelling would continue the terraced form of the block to which it is attached with the ridge and eaves continuing at the same height as the remaining buildings. It would also incorporate matching architectural features in terms of the bay window, recessed front doorway and the brickwork detailing that is present on the remainder of the terrace. Although the proposed new dwelling would have a slightly narrower frontage than the other buildings in the terrace, as it is located at the end of the terrace and due to the overall length of the terrace and the similar elevational treatment, this slight difference would not be especially noticeable. Within the context of the end of terrace location, adjacent to a wide area of local space, and with a lower building to the rear, the proposed new dwelling would not appear as an unduly cramped or disproportionate development on the site.
24. The Council suggest that the proposed new dwelling would disrupt the symmetry of the terrace and that this symmetry was a design feature of the terrace. Whilst there is symmetry evident in the two terraces which make up the south side of How's Close, there is no evidence to support the hypothesis that this was a consciously designed approach, or that symmetry of built form

is a significant characteristic of the Conservation Area. The contemporary terrace on the north side of How's Close contains an odd number of houses, as do those on How's Road to each side of the junction with How's Close and are, as a result, asymmetrical. As the built form on the south side of How's Close currently extends beyond the end of the two blocks of buildings on the north side, the built form of the street as a whole is imbalanced and the addition of an extra house to the eastern end of the terrace would not exacerbate this.

25. The proposed development would result in there being a gable end of a building immediately adjoining the area of open space at the end of How's Close which separates it from the ring road. Although there is a desire line crossing the area of open space which is clearly used by pedestrians and which passes close to where the new gable end would be located, due to the overall size of the area of open space, this new gable would not appear unduly dominant to pedestrians crossing the open space. Because of the width of the area of open space and the presence within it of a number of trees which provide a degree of screening, the proposed new dwelling would not appear overly dominant to either motorists driving on the ring road or pedestrians using the footway adjacent to it.
26. Due to the location to the appeal site, the proposed development would not impact on the key features of the conservation area identified above, or any of the key views within it.
27. I therefore find that the proposed development would not cause harm to the character and appearance of the Rockingham Bridge Conservation Area. It would comply with the relevant requirements of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (Local Plan); UDP Policies BE4, BE13, BE15 and BE19; and Policies 3.5 and 7.4 of the London Plan 2016 (London Plan). These seek to ensure that new development is of a high standard of design that has regard to its context, preserves local distinctiveness, and that the character and appearance of Conservation Areas is preserved or enhanced. It would also be consistent with the requirements of the Framework.

Parking and Highway Safety

28. How's Close is a quiet residential street, which is not a through route. There is not a turning head at the end of the street, although there are double yellow lines around the closed end of the street and the unobstructed carriageway width does allow a vehicle to turn. The street is subject to other parking restrictions in the form of a no waiting restriction for the whole length of the south side of the street. On the north side of the street there is a marked out parking area which is available to resident permit holders. The east side of How's Road is also subject to a waiting restriction with residents parking bays marked out on the west side. The appeal site is within a controlled parking zone which operates from 09:00 to 17:00 on Mondays to Fridays. A very small number of properties have off-street parking.
29. The proposed development does not provide any off street parking. The appeal site currently has a hardstanding area to the front and contains a small timber garage. Although the Council suggest that the proposal would result in the loss of two off street parking spaces, I would agree with the appellant's position that the small size and dilapidated condition of the garage make it unsuitable

for garaging a modern car. Nonetheless, the proposal would lead to the loss of an off street parking space, which are scarce in the area.

30. Whilst the designation as a controlled parking zone is indicative of a level of parking stress within the area, neither party has provided any substantive evidence in respect of parking stress, or the potential number of vehicles that would be associated with the proposed development. The appellant has produced a number of aerial images which show very few vehicles parked in the street, however, these are undated and there is no indication of what time of day they were taken. At the time of my site visit, in the early afternoon, there was only one parking space available in the marked bays on How's Close, although there were a number of parking spaces available on How's Road. Nonetheless, on this basis, the evidence is that parking demand is variable.
31. The Public Transport Accessibility Level (PTAL) is an accepted measure of public transport provision in London and it is common ground between the parties that the site is located in an area with a PTAL rating of level 5, indicating very good access to public transport. The appeal site is also within easy walking distance of Uxbridge town centre. Consequently, future residents would not necessarily be dependent on private cars for transport to access shops, facilities or employment opportunities. I also note that the Council's car parking standards required by UDP Policy AM14, and set out in Annex 1 of the UDP, are maximum standards. As such there is no fundamental conflict with Policy AM14.
32. No mechanism is proposed that would restrict the occupancy of the development to persons who held a residents parking permit although this is not a requirement of Policy AM14. The proposed development would have the potential to increase the number of vehicles seeking to park on street in the area, nevertheless, in the absence of any substantive evidence to the contrary and due to the high PTAL rating and the proximity to the town centre, I consider that this increase would not be so great that it could not be accommodated within the locality.
33. The potential effect of increased parking on highway safety is not expanded upon in the Council's evidence and, of itself, an increase in parking demand is not intrinsically harmful to highway safety. It is not suggested that increased vehicle movements on the roads around the appeal site would have a severe effect on the capacity of the roads and junctions to accommodate them, or that geometry of the roads and junctions is such that additional vehicle movements would prejudice road safety. In this context, the proposal would not conflict with the requirements of Policy AM7.
34. I therefore find that the proposed development would not be harmful to parking and highway safety in the vicinity of the appeal site. It would comply with the relevant requirements of Policies AM7 and AM14 of the UDP which seek to ensure that new development has an appropriate level of car parking and does not prejudice highway safety.

Other Matters

35. My attention has been drawn to an appeal decision in respect of a site adjacent to 1 How's Road. I do not have full details of this and so cannot tell if the circumstances are the same as the appeal case. However, this decision is cited in support of the appellant's case in respect of the effect on the Conservation

Area, where I have found that the appeal proposal would not cause harm. There is no indication that this decision offers support for internal space of the dimensions proposed by the appeal scheme.

36. I have also had regard to the representations from local residents which were received by the Council in response to the application. In general these raise matters which have already been covered above.

Conclusion

37. I have found that, on the basis of the evidence before me, the proposed development would not cause harm to the character and appearance of the Rockingham Bridge Conservation Area, nor would it have an unacceptable effect on parking provision or highway safety in the vicinity of the appeal site. I have also found that the proposed development would provide suitable living conditions for the future occupants in terms of external amenity space.
38. However, I have found that the proposed development would, as a result of restricted floor space and headroom, not provide suitable living conditions for the future occupants. As such it is contrary to Policy 3.5 of the London Plan and the Mayor of London's Housing SPG, which seek to ensure that new housing is fit for purpose. Whilst the Framework seeks to increase the supply of housing, this must provide suitable living conditions for the future residents. I consider that this is an important matter, to the extent that the proposal should be regarded as being in conflict with the development plan as a whole, notwithstanding compliance with other policies which are referred to above.
39. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission refused for the proposed development.

John Dowsett

INSPECTOR