
Appeal Decision

Site visit made on 11 July 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 26 July 2017

Appeal Ref: APP/R5510/D/17/3175765
2 Stormount Drive, Hayes, UB3 1RG

- 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 R Dar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 62637/APP/2016/4613, dated 20 December 2016, was refused by notice dated 24 February 2017.
 - The development proposed is the erection of a single-storey side extension to dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue in this case is the effect of the proposal on the living conditions of existing and future occupiers of No. 2, with particular reference to external private amenity space.

Reasons

3. No. 2 is a semi-detached house and the proposal involves the erection of a single-storey, flat roofed extension to the side of the dwelling, which would contain a fourth bedroom and a toilet.
 4. Policy BE23 of the *London Borough of Hillingdon Unitary Development Plan, (adopted 1998) Saved Policies 27th September 2007* (UDP) seeks to ensure that development includes amenity space which is sufficient to protect the amenity of the occupants of the proposed building. The reasoned justification confirms that amenity space is important for the operation of basic household functions and recreation, and all residential developments should therefore provide adequate external amenity space, in relation to which regard will be had to the Council's supplementary planning guidance. The adopted *Hillingdon Design and Accessibility Statement-Supplementary Planning Document* (HDAS) indicates that whilst a 3 bedroom house should have a rear garden area of 60 m², a 4 bedroom house should have at least 100 m². Insofar as this Policy and guidance seeks to secure a good standard of amenity for all existing and future occupants of land and buildings, it is consistent with the policies of the *National Planning Policy Framework* (the Framework).
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5. The Council has estimated that the rear garden space available to residents of No. 2 is around 55 m² and this has not been disputed by the appellant. I consider therefore, that the proposal would make inadequate provision to meet the needs of existing and future residents of the proposed 4 bedroom house as regards external private amenity space.
6. I conclude that the scheme would cause significant harm to the living conditions of existing and future residents of No. 2, with particular reference to external private amenity space, contrary to the aims of UDP Policy BE23 and the Framework.

Other matters

7. Whilst the appellant has suggested that if the width of the proposed extension was 50 mm less, it would fall under permitted development rights, no evidence has been provided in support of that contention. Furthermore, he has not given any indication that he would be likely to implement such a scheme in the event of planning permission being refused in this case. Under the circumstances, I give this little weight as a fallback position.
8. The appellant has indicated that the proposed ground floor accommodation would be used by his elderly parent, who is in need of care. However, there is no evidence to show that suitable first floor accommodation is unavailable and could not be made accessible. Therefore, I give the benefits of the proposal in this respect only moderate weight.
9. There is no dispute that the effect of the proposal on the character and appearance of the locality would be acceptable and in this respect it would accord with UDP Policies BE13, BE15 and BE19. However, in my judgement, neither these, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusion on the main issue.

Conclusions

10. I conclude on balance that any benefits of the proposal would be significantly and demonstrably outweighed by the harm that I have identified. The Scheme would not amount to sustainable development under the terms of the Framework and it would conflict with the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR