

Appeal Decision

Site visit made on 25 July 2017

by L Fleming BSc (Hons) MRTPI

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

Decision date: 16 August 2017

Appeal Ref: APP/R5510/D/17/3178223

5 Divine Way, Hayes UB3 2FE

- 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 Roberto Auriemma against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72697/APP/2017/1049, dated 21 March 2017 was refused by notice dated 22 May 2017
 - The development proposed is garage conversion into a living space including alterations to the front elevation by removing existing garage door and replacing with a window to match existing window's design.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - highway safety.

Reasons

Character and appearance

3. The appeal property is a terraced dwelling in a modern residential area characterised mainly by terraces and flats in large buildings formally arranged around parking areas and landscaping. The properties are mainly constructed from buff bricks and have similar architectural detailing. Thus the area has a formal and uniform character and appearance.
4. The proposal would involve the conversion of an integral garage to living space. This would involve the replacement of the garage door with a window and the removal of a landscaped area and installation of a hard surfaced car parking space in its place.
5. I have noted the appellants arguments about what could be done through rights exercised under the Town and Country Planning (General Permitted Development) (England) Order (2015) and that such rights have not been removed through an Article 4 Direction. However, the fact remains that a planning condition imposed on the original planning permission for the development of the appeal property stipulates that the existing garage should only be used for parking. Thus its use for anything other than parking would

be in breach of this condition. Therefore use of the garage as living space requires planning permission and whilst the construction of hardsurfacing may not, in this case it forms part of the appeal proposal and its effect must be considered accordingly.

6. I acknowledge that the proposed window and materials would match the windows and materials of the appeal dwelling and other properties in the area. I also note that the area of landscaping to be removed is relatively small and other properties nearby have replaced similar areas with hard surfacing.
7. However, all of the properties in the terrace have garage doors such that the proposed window would appear noticeably at odds with the wider terrace and as such would be a prominent feature of the street scene.
8. Whilst I am not aware of the detailed circumstances with regard to the removal of frontage landscaping nearby, in this case the removal of the landscaped area is intended to mitigate the loss of parking provided by the existing garage and thus is an integral component of the proposal. In my view such landscaped areas are a positive feature of the wider development which soften and break up the mass of what are relatively large buildings in a relatively dense residential area.
9. Thus, I find the replacement of a garage door and landscaped area with a window and a car parking space would harm the formal and uniform character and appearance of the area. The proposed development would therefore be in conflict with saved Policies BE13, BE19 and BE38 of the London Borough of Hillingdon Unitary Development Plan (2012) (UDP), Policy BE1 of the Hillingdon Local Plan: Part 1 (2012) (LPP1), Policies 3.4, 3.5, 3.8, 7.3 and 7.6 of the London Plan¹ and the Hillingdon Design and Accessibility Statement Supplementary Planning Document (2006) (HDAS). These policies, taken together, seek to ensure good design and that new development makes a positive contribution to the character and appearance of an area.

Highway safety

10. Policy AM14 of the UDP requires dwellings of the size proposed to provide two off street parking spaces. The garage which would be converted to a habitable room provides one parking space, with a second off street parking space available on the driveway in front of the garage. Even though a replacement parking space would be provided, resulting in two off street parking spaces in front of the appeal dwelling, the appeal site frontage is relatively narrow and shallow.
11. In my view if two vehicles were parked side by side off street in front of the appeal dwelling one of those vehicles would be very close to the front entrance door and there would be limited space between the two vehicles. The proposed development would therefore limit comfortable access to the appeal property particularly if using a pushchair or a wheelchair. For these reasons there would be a significant risk that both parking spaces would not be used at the same time or if used as such the occupants may park their vehicles overhanging the highway to avoid blocking the main entrance to the appeal dwelling.
12. Therefore, I find that the proposed parking arrangements are inadequate and as such would compromise the convenient use of the highway for pedestrians

¹ The London Plan– The Spatial Development Strategy for London Consolidated with Alterations Since 2011 (2016)

and motorists which would be harmful to highway safety through increasing the risk of pedestrian and vehicle collisions as a result of unsafe parking.

13. The proposal would therefore conflict with Policies AM7 and AM14 of the UDP and the HDAS, which taken together, seek to ensure new development is served by sufficient off street parking to maintain a safe and sustainable highway and transport network.

Other Matters

14. In reaching these conclusions I have considered the numerous appeal decisions² put before me. With regard to the appeal in St Helens, in contrast to this case there was no harm found to the character and appearance of the area. Furthermore, the appeals relating to dwellings in Killay and Penllergaer benefitted from significantly more usable off street parking than would be provided by the appeal proposal. Moreover, the appeal relating to a dwelling in Tycoch was concerned with matters such as whether it was reasonable to impose a condition restricting the conversion of a garage to living space having regard to the relevant policies at that time and thus has little relevance to this case. I have therefore afforded these appeal decisions limited weight.
15. I have considered the appellant's comments about the conditions imposed on the planning permission for the development of the appeal property. Particularly whether or not the Council should have removed permitted development rights for certain forms of development and whether some of those conditions would meet the tests for imposing conditions set out in the Planning Practice Guidance. I have also noted the comments that many of the garages nearby are not used for parking cars. However, such matters are not before me in determining an appeal under section 78 of the Town and Country Planning Act 1990. I have determined the appeal on its merits and on the basis of the development applied for.
16. I acknowledge that there have been no objections to the proposal from residents living nearby. I also note that the proposal is for a young and growing family with specific needs as set out in the appellant's case and that the occupants of the appeal dwelling work from home. I accept that these factors all increase the requirement for additional living space and that the proposal would provide a new family room and would help serve the family's needs as they change over time. However, whilst I attach significant weight to these matters they do not outweigh the harm I have identified.

Conclusion

17. For the reasons set out above and having had regard to all other matters raised, the proposed development would not accord with the development plan and thus the appeal should be dismissed.

L Fleming

INSPECTOR

² T/APP/H4315/A/97/289373/P7, APP/B6855/A/00/1035807, APP/B6855/A/02/1092777 & 2/1/84/1531/12