
Appeal Decision

Site visit made on 6 November 2017

by S Jones MA DipLP

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

Decision date: 19 December 2017

Appeal Ref: APP/R5510/W/17/3181033

82 Royal Crescent, Ruislip HA4 0PR

- 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 Mr S Galvin against the Council of the London Borough of Hillingdon.
 - The application Ref 72669/APP/2017/927 is dated 13 March 2017.
 - The development proposed is erection of end of terrace 3 bedroom house and single storey extension/loft conversion to existing building.
-

Decision

1. The appeal is dismissed and planning permission for erection of end of terrace 3 bedroom house and single storey extension/loft conversion to existing building is refused.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the appeal site and the surrounding area
 - the living conditions of future occupiers of the development with regard to internal space and amenity space
 - whether the development is suitable with regard to flood risk

Reasons

Character and Appearance

3. The appeal site is a suburban end of terrace in an area of similar style dwellings. To the rear of the row of terraces is a gated accessway running behind them at right angles to the road. Alterations would be made to extend No 82 via a rear dormer and rear extension, and also create a further adjoining three bed dwelling to replace the single storey attached garage.
4. The appeal site is situated in a Crescent so that the road runs along past the rear of the property then passes around the side and then along the front. Consequently the appeal site stands on a corner prominently exposed on three sides. Due to the site constraints, the proposed dwelling would occupy almost all the side plot and it would not be identical to the existing terraces to which it would be adjoined. It would not have the distinctive rear bay windows, or the same plot width, roof span, or roof design. The flank wall of the new dwelling

and its roof would have to be successively stepped in along the side boundary because the site narrows towards the rear.

5. The resulting dwelling would not reflect the characteristics of the appeal site or the area. It would not sit well in the streetscene, resulting in a particularly incongruous and bulky side elevation that would be highly visible. The large rear dormer and bulky joint rear extension to No 82 would also be prominent in wider views and appear out of proportion and unsympathetic to the appeal site, the row of terraces and the surrounding area. At my site visit I noted that there have been large side developments to the occasional dwelling in the local vicinity, however these are not commonplace and most of them were not on such a prominent corner site or directly comparable in terms of design.
6. I have also had regard to the other examples pointed out by the appellant, but again these largely refer to other dormers. The appellant states some of them did not have planning permission but qualified for a certificate of lawfulness. If so then the usual policy criteria for determining planning applications would not have applied. In any event, I do not have the full details behind those other examples and this appeal must be determined on its own merits. Given the above reasons, the development as a whole would be harmful to the character and appearance of the appeal site and the surrounding area.

Living Conditions

7. The constraints to the site for the proposed new dwelling would result in a narrower dwelling than adjoining dwellings. In particular, based on the original plans it appears the new single bedroom would only provide a gross internal area of roughly 5.6m² which would fall below the minimum space requirement of 7.5m² as set out in the statutory guidance ¹Technical Housing Standards. If that floor layout were revised as suggested by the appellant then it is possible that the new single bedroom would fulfil the space requirements.
8. However, the single bedroom in the existing dwelling at No 82 would still fall below the necessary standard as it would only provide 4m² in area. In addition, if the larger bedroom at the front of No 82 was used as a double bedroom, it would fall below the requirement of 11.5m² for a double room as it would only provide roughly 10.4m² of space. Whilst I appreciate bedroom sizes at No 82 may reflect the smaller sizes allocated in the original construction as regards existing occupants of the dwelling, the proposal as a whole including the alterations to No 82 must generally be considered satisfactory against the current standards with regard to the living conditions of occupiers if the proposed development should be completed. As set out here, the development as a whole would not be able to satisfy the internal space requirements.
9. The existing garden would be divided between the two properties. The side area would be occupied by the new dwelling and a new vehicular crossover at the rear to two parking spaces. The remaining area available as outdoor amenity space to the new dwelling would comprise roughly 47m² which would fall below the requirements set out by the Hillingdon Design and Accessibility Statement for adequate outdoor amenity space appropriate to a 5 person 3 bedroom dwelling. As regards the existing dwelling, the loft extension would increase the number of bedrooms to create a 4 bedroom dwelling for 6 or 7 people. The current outdoor space at the property is suitable for a 3 bedroom 5

¹ Department for Communities and Local Government Technical Housing Standards-nationally described space standard

person dwelling but technically more outdoor space would be required for the needs of the extended 4 bedroom 6-7 person dwelling than it would provide. For the above reasons, I conclude that the proposed development as a whole would not provide adequate internal space or outdoor amenity space for the living conditions of future occupiers of the development.

Flood Risk

10. The appeal site is within Flood Zone 2, where there is a medium probability of flooding. In general, the National Planning Policy Framework (the Framework) and other planning policies and guidance direct development towards lower risk areas-referred to as a sequential test. If despite the flood risk there is nevertheless a justification for the location of the development, referred to as an exception test, then generally the aim would be to make it safe without increasing flood risk elsewhere.
11. However, in this case, it has not been demonstrated that other lower risk locations have been considered or that there is any particular specific justification for further housing at this location despite the flood risk. I appreciate that the appellant says that he was unaware of the need to supply flood risk information, however I note that it is the responsibility of the applicant to ensure that any proposal for development responds to any necessary constraints or criteria which may be applicable. Consequently it has not been shown whether the site would be suitable for the proposed development despite the identified flood risk. Therefore the development would not satisfy the requirements in the Framework as reflected in the policies in the London Plan and the Hillingdon local plan.

Planning Balance

12. The development would be harmful to the character and appearance of the appeal site and the surrounding area, to the living conditions of future occupiers of the development and because the site's suitability for housing in a flood risk zone has not been demonstrated. I have considered all the matters raised by the objectors and supporters of the development but these and any other matters do not outweigh the harm identified above. I conclude the development would therefore conflict with Policies BE1 and EM6 of the London Borough of Hillingdon Local Plan: Part One-Strategic Policies and saved Policies BE13, BE15, BE19, BE23, OE7 and OE8 of the London Borough of Hillingdon Local Unitary Development Plan: Part Two- Saved UDP Policies and the Framework. It would also conflict with the Hillingdon Design and Accessibility Statement Supplementary Planning Guidance and Policies 3.5 and 5.12 of the London Plan (including the Minor Alterations to the London Plan 2016) and the Department for Communities and Local Government Technical Housing Standards. Together amongst other things these policies and guidance seek to ensure high quality development that protects from flood risk and protects the living conditions of residents.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

S Jones

INSPECTOR