



Appeal Decision

Site visit made on 18 July 2019

by A Thompson BSc BTP MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 25 July 2019

Appeal Ref: APP/R5510/D/19/3226520

68A Hetherington Way, Ickenham, UB10 8AT

- 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 Rajesh Shah against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74382/APP/2018/4248, dated 4 December 2018, was refused by notice dated 29 January 2019.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are: (a) whether the proposed development would provide acceptable living conditions for occupiers of the extended property with regard to amenity space provision; and, (b) the effect on highway safety.

Reasons

Living conditions

3. No.68A Hetherington Way (the host property) was built on land that was formerly part of the plot for No.68. The host property's rear garden is only about half the depth of the rear gardens for the adjoining terrace of properties and about the same width. If No.68A is extended, as proposed, to provide 5 bedrooms, around 37m² of amenity space would be retained according to the Council's estimate.
4. Policy BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved policies (November 2012) (the local plan), which applies to both new residential buildings and extensions, requires the provision or maintenance of sufficient external amenity space to protect the amenity of occupants of the proposed buildings. The reasoned justification for the policy notes that in determining the adequacy of external open space provision for the extension of existing residential properties, the guidelines in the Council's supplementary planning guidance on design should be taken into account.

5. The Council's design guidance on residential extensions¹ (the guidance) indicates that dwellings with 4+ bedrooms should retain around 100m² of garden area. I accept that there would be no reduction in the area currently laid out as garden and that this space has a usable shape and siting. However, the proposed development would occupy the remaining open land to the side of the property and have a garden area that would be very substantially below the guideline figure (ie about 37% of the level of provision identified). The size of amenity space would therefore be inadequate for the scale of development proposed and, having regard to the Council's guidance, would be far less than is reasonable for a dwelling comprising 5 bedrooms.
6. I note that an area of public open space is laid out at the other end of the terrace of properties, adjacent to No.76 Hetherington Way. Although this and other areas of public open space are located nearby, they do not offer the same level of accessibility or privacy as a private garden and therefore they would not compensate for the substantial shortfall in external amenity space in this case.
7. In conclusion on this issue, I find that the proposed development would provide insufficient external amenity space for the extended property, which would harm the living conditions of occupiers of the extended property. Accordingly the development would be contrary to Policy BE23 of the Local Plan and the guidance, in so far as both the policy and guidance seek to ensure the provision of sufficient external amenity space for extended dwellings. The development would also be contrary to Policy BE19 of the Local Plan as the lack of amenity space would result from an over-development of the plot that would not complement or improve the amenity or character of the area.

Highway Safety

8. The parking standards in the local plan² require the provision of 2 parking spaces for the proposed development. The minimum dimensions of a standard car parking bay are 2.4m by 4.8m. The Council state that the depth of the hardstanding in front of the property varies from a minimum of 3.2m to 4.6 m.
9. The evidence submitted by the appellant does not include information about the dimensions, or a scale drawing, of the retained front hardstanding area. However, both the photographic evidence submitted by the appellant and my observations on the site visit suggest that any shortfall in the depth of hardstanding against the minimum dimension's standard would not be substantial. Therefore, there would be sufficient space for two car parking bays on the area of hardstanding that would be retained.
10. I find that the development would provide sufficient car parking spaces and not raise any other concerns in relation to highway safety. Accordingly, the development would accord with policies AM7, AM14 and the Council's adopted parking standards in the local plan and the adopted Hillingdon Design and Accessibility Statement (HDAS): Supplementary Planning Document: Residential Layouts: July 2006 in so far as these policies and guidance seek to ensure the provision of adequate off street car parking.

¹ Hillingdon Design and Accessibility Statement (HDAS): Supplementary Planning Document: Residential Extensions : December 2008

² Hillingdon Local Plan: Part Two (Saved policies) (November 2012) Annex 1 (Parking Standards)

Other matters

11. In addition to the planning permission for subdivision of land occupied by No. 68 to create No.68A, my attention has been drawn to a decision by the Council to approve an extension of a property on Alpha Road, Hillingdon and also a recent appeal decision in connection with an extension of another dwelling in Hillingdon. There was no shortfall in external amenity space or car parking spaces identified in connection with the appeal development and there is no substantive discussion (in the evidence before me) of the level of external amenity space or car parking spaces provided in the other two examples identified. This evidence has limited relevance in this case and, therefore, I accord it little weight.
12. Furthermore, as the proposed development would not provide sufficient amenity space for occupants of the extended dwelling, the proposal would not meet the requirement in Paragraph 117 of the National Planning Policy Framework that the promotion of effective use of land should also ensure healthy living conditions.

Conclusion

13. I consider that the proposed development would cause harm to the living conditions of existing and future occupiers with regard to the lack of sufficient amenity space.
14. For the reasons given above and having regard to all other matters raised, I dismiss this appeal.

Anthony Thompson

INSPECTOR