



Appeal Decision

Site visit made on 6 August 2019

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/R5510/W/19/3229330

4 Ashburton Road, Ruislip HA4 6AD

- 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 Stanley against the Council of the London Borough of Hillingdon.
 - The application Ref 15579/APP/2019/365, is dated 15 January 2019.
 - The development proposed is part two storey, part first floor side/rear extension, single storey front extension, first floor rear extension, conversion of roof space to habitable use to include 2 rear dormers and conversion of roof from hip to gable end, 4 detached garages to rear and conversion of dwelling from 1 x 4-bed to 1 x 1- bed and 3 x 2-bed self-contained flats with associated parking and amenity space.
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Decision

1. The appeal is dismissed and planning permission is refused for part two storey, part first floor side/rear extension, single storey front extension, first floor rear extension, conversion of roof space to habitable use to include 2 rear dormers and conversion of roof from hip to gable end, 4 detached garages to rear and conversion of dwelling from 1 x 4-bed to 1 x 1- bed and 3 x 2-bed self-contained flats with associated parking and amenity space.

Application for costs

2. An application for costs was made by Mr Stanley against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matter

3. The development was described on the application form as 'Part two storey, part single storey side/rear extension, single storey front extension, 4 x detached garages to rear and conversion of dwelling from 1 x 4-bed to 1 x 2-bed and 3 x 2-bed dwellings with parking and amenity space'. The plans and other documentation show 1 x 1-bed and 3 x 2-bed dwellings therefore it appears that there was an error on the application form. The Council amended the description to correct the error and included reference to the various works proposed to the roof. The appellant states that they have accepted these changes. I have adopted the description set out by the Council in the heading above, as I consider that it more accurately captures the nature of the development proposed. As this was the description used by the Council, I do not consider that this change would prejudice any party.

Background and Main Issues

4. The Council has indicated that had it been in a position to determine the application within the statutory timescale it would have refused permission on the basis that the combination of the proposed dormer and proposed two storey rear extension would harm the character and appearance of the dwelling and the surrounding area; and that the substandard form of internal accommodation would be detrimental to the living conditions of future occupiers.
5. The main issues are therefore:
 - a) the effect of the proposed development on the character and appearance of the area; and
 - b) whether the proposal would provide satisfactory living conditions for future residents in terms of the provision of internal living space.

Reasons

Character and appearance

6. The appeal site is the end property of a short terrace which originally would have had a degree of symmetry and a balanced appearance as a result of the shared features, particularly the two storey bay windows which are curved on the middle pair and squared on the outer properties. The appearance of the terrace has however been changed by various additions, particularly the addition of roof lights and rear dormers to 6 and 10 Ashburton Road. These changes noticeably alter the roofline of the terrace when seen from Ashburton Road and erode its former symmetry.
7. Permission has previously been granted at appeal¹ for garages and extensions to No 4 and conversion to 4 flats but without the roof accommodation now proposed. The side extension proposed is of largely the same design as the permitted scheme, but with a gable end instead of a hipped roof. Having regard to what has previously been permitted and the degree of change that has already taken place, I am satisfied that the introduction of a gable end would harmonise with the architectural composition of the host property and the terrace.
8. The appeal scheme includes 2 rear dormers, which would be set in from the edges of the main roof and which would appear as subordinate additions to the host property. The proposed dormer on the host property would however intersect the roof of the proposed two storey rear extension. This would result in an awkward relationship between these two elements that would be clearly visible from Cornwall Road in the gap across the rear gardens of Nos 2 and 138 and from Hatherleigh Road across the rear of Ashburton Court. It would also be seen from the rear lane and from rear gardens in the block formed by Cornwall, Kingswear, Hatherleigh and Ashburton Roads.
9. While the proposed dormer would be a relatively modest enlargement of what has previously been permitted, the combination of the proposed dormer and two storey rear extension would relate poorly to the roof form of the host property. The large dormers on Nos 6 and 10 dominate the rear roof slope of

¹ APP/R5510/W/18/3208979

the terraced block. The appeal scheme would however introduce a further discordant feature that would detract from the appearance of the host property and the terraced block as a whole. While this would not be visible from Ashburton Road it would be readily apparent from both public and private vantage points in the vicinity and would harm the character of the area.

10. As such, the rear dormer in combination with the two storey rear extension would harm the character and appearance of the area. Conflict would arise with policies BE1 of the Hillingdon Local Plan: Part 1 (Strategic Policies) (2012) which requires development to achieve a high quality of design and to improve and maintain the quality of the built environment; and Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies BE13, BE15 and BE19 which seek to ensure new development complements or improves the character of the area and harmonises with the street scene, scale, form, architectural composition and proportions of the original building. It would also fail to meet the guidance in the Hillingdon Design and Accessibility Statement Supplementary Planning Document (2008) (HDAS) which seeks to ensure that roof extensions are well designed and relate well to the proportions, roof forms and massing of the existing house.
11. I recognise that the appeal site does not lie within a designated area and that the rear roofs of the terrace have already been significantly altered. I also observed at my site visit that there are several other dormers visible in the vicinity that are of greater scale than what is proposed. These are not features which contribute positively to the area however, furthermore they are of a type that the HDAS seeks to resist. Consequently, the presence of other larger dormers does not justify the harm that I have identified.

Living conditions

12. The London Plan (2016) forms part of the development plan for this appeal. The 2016 Minor Alterations to the London Plan adopted the Technical Housing Standards – Nationally Described Space Standard (March 2015) (NDSS). Policy 3.5 of the London Plan requires housing developments to be of the highest quality and applies the NDSS to all new housing, including conversions. Further guidance on the policy is provided in the Mayor of London's Housing Supplementary Planning Guidance (March 2016) (Housing SPD).
13. The submitted drawing gives floor areas for each of the proposed flats and these figures show that flats 2 and 4 would have floor areas below the minimum standard of 70 sqm for a two storey 2 bed, 3 person dwelling. The deficiency would be 6.99 sqm for flat 2 and 3.2 sqm for flat 4, both of which are significantly below the minimum standard.
14. In their appeal submission, the appellant disputes the Council's figures for the floor space of flats 2 and 4 and contends that, if measured in accordance with the definition in the NDSS², the GIA of flat 2 would be 67.2 sqm and flat 4 would be 70.3 sqm. It is evident that the figures relied upon by the Council were those stated on the appellant's submitted drawing. Nevertheless, even if those figures were not calculated according to the NDSS and the revised GIA put forward by the appellant were correct, the floor space of flat 2 would still be deficient by 2.8 sqm. As a result, it would still not provide sufficient internal space to meet the day to day needs of future residents.

² Note 2 of Table 3.3

15. Consequently, I conclude that the appeal proposal would fail to provide satisfactory living conditions for future residents in terms of the provision of internal living space and conflicts with policy 3.5 of the London Plan. For the reasons given above the scheme does not demonstrate exemplary design quality and as such there is no justification for the departure from the minimum standard.
16. The appellant suggests that the deficiency for flat 2 could be corrected through use of a planning condition to require an additional 2.8 sqm of floorspace. They suggest that this could be added to the bedroom on the second floor within the roof void, and that the NDSS requirement for minimum ceiling height could be achieved.
17. The Planning Practice Guidance is clear that it would not be appropriate to modify a development by condition in a way that makes it substantially different from that set out in the application³. I have no drawings before me to demonstrate exactly how and where the additional floorspace could be created. I am therefore unable to assess whether the change would be substantially different from the application. There is potential therefore, for interested parties to be prejudiced by such a condition as they would have no opportunity to consider and comment on the changes.
18. Furthermore, insufficient evidence has been submitted to demonstrate that the additional floorspace could be provided without resulting in harm in other aspects, such as the appearance of the property. Consequently, the suggested condition would not pass the test of reasonableness.

Other matters

19. The appeal proposal would be similar to the scheme previously allowed at appeal in that it proposes extensions and four flats. Nevertheless, it differs from the permitted scheme through the roof design, the addition of dormer windows and the provision of second floor bedrooms for flats 2 and 4. These are the areas of the scheme where I have found a conflict with policies of the development plan and the Housing SPD.
20. The provision of flats that could meet Lifetime Homes criteria would be a benefit of the scheme but would carry little weight, particularly in the context of the harm that I have identified to the living conditions of future occupiers. The appeal proposal would provide sufficient parking given the location of the property, and would not adversely affect the living conditions of occupiers of neighbouring properties. These are neutral impacts however, therefore do not weigh in favour of allowing the development.

Conclusion

21. The harm identified would significantly and demonstrably outweigh the benefits of the appeal proposal. For the reasons given above, I conclude that the appeal should be dismissed and planning permission refused.

L McKay

INSPECTOR

³ Paragraph: 012 Reference ID: 21a-012-20140306