
Appeal Decision

Site visit made on 1 October 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/R5510/W/19/3233653

3 High Street, Cowley, Uxbridge UB8 2EB

- 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 V Herbert against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 73881/APP/2019/864, dated 12 March 2019, was refused by notice dated 20 May 2019.
 - The development proposed is described as a first floor extension including 4 x one bed flats.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposal to refer to the raising of roof to allow for addition of a first floor and change of use from office/storage (Use Class B1/B8) to create 4 x 1 bed flats with associated parking. This accurately describes the proposal that I have assessed.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of future occupiers, with particular regard to the outlook and available amenity space. A further issue is whether adequate car parking is being provided.

Reasons

Living conditions

4. The appeal property is a 'backland' site accessed from the High Street between No 2 High Street and No 1, Edward Nelson Cottages. The site lies in the small centre of Crowley, close to Brunel University and around a mile away from Hillingdon Hospital. The appeal site is presently in a mixed B1/B8 use and I saw at my site visit that the existing building was being used for the storage of white goods. The access to the site appears to be shared with a precision engineering company whose premises adjoin the appeal site.
5. The appeal proposal is to raise the height of the existing single-storey building and to insert an additional floor, resulting in the creation of 4 flats, each with a single bedroom and living facilities. All flats would have a single southerly

facing aspect, with the upper floor flats shown to have obscure glazed bottom hung windows for the most part. A small amenity area is shown to the front, together with bin and cycle storage and 2 car parking spaces. Beyond the appeal site and the existing access to the south lie the rear gardens of Edward Nelson cottages.

6. The Council considers that the obscure glazed element to the windows of the upper flats would result in unacceptable living conditions for the occupants of those flats, and I agree. The site is south-facing, meaning light levels can be expected to be adequate, and the single-aspect nature of the proposal is not in itself unduly harmful, with each principal room having a triple window of reasonably large dimensions. However, the prospect of no outlook from the upper floor flats would result in substandard accommodation that would not result in an acceptable quality of life, with the occupants having no real view of the world outside.
7. The appellant proposes to resolve this issue by instead inserting clear-glazed windows to the upper floor. Whilst that would improve the outlook for the occupiers of the proposed flats, I am conscious that the Council's consultation exercise on the proposal was carried out on the basis of plans showing obscure glazing that prevented any overlooking of the neighbouring houses or gardens of Edward Nelson Cottages. A change to this aspect of the proposal is not reflected in the plans before me for consideration, and would in my view warrant reconsultation with those potentially affected by it.
8. The outlook of the flats is in any case onto the proposed car parking areas and amenity area together with an existing shared driveway that would continue to be used by the industrial premises located beyond the appeal site. Presently there is no demarcation on the ground of the appeal property's frontage from the remainder of the driveway, and no privacy screen is proposed. The passing of commercial traffic to and from the engineering company in the adjoining building, at such close quarters to the proposed flats and frontage amenity area, would not result in adequate living conditions for the proposed occupiers because of the adverse effects on their privacy and outlook.
9. The proprietor of the adjoining company also raises a concern about the incompatibility of the proposed adjoining uses, anticipating complaints from the occupants about noise from his premises, especially in the summer months when the doors are opened to aid temperature control. The main parties to the appeal have not commented on this and, as I am dismissing the appeal for other reasons, I have not pursued it further, but it does appear that there is some force in this objection.
10. A small area of communal amenity space, approximately 20 sqm, is shown to the front of the western ground floor flat, adjoining the shared driveway and the proposed western car parking space. The Council's 'Residential Layouts' SPD of 2006 ('the SPD') advises a minimum requirement of 20 sqm per flat, with balconies to upper floor flats preferred. Although exceptions may be made in cases of small non-family housing in town centres, and notwithstanding the proximity of the appeal site to nearby green open spaces, the amenity space here proposed is unacceptably cramped and undesirable. If used, it would also further affect the privacy and outlook of the occupiers of the western ground floor flat, being immediately in front of their living room window.

11. The policy context is found mainly in the London Plan of 2016 and of the Hillingdon Local Plan Saved UDP Policies of 2012. Policy 3.5 of the London Plan requires housing developments to be of the highest quality internally and externally. Local Plan policies BE19, BE20, BE21 and BE23 seek to protect residential amenities. Overall I find that the proposed development would not comply with these policies because of the poor outlook that would result for future occupants.

Car Parking

12. The supporting text to Local Plan policy AM14 suggests that all residential parking standards are the minimum required, but the Council advise that the maximum required car parking here is 1.5 spaces per flat. Two spaces are proposed, amounting to 0.5 spaces per flat. The PTAL rating is low at 2, and the appellant considers that the appeal site lends itself to a reduced parking provision, given the ample employment opportunities in the local area and the proximity of bus stops and local facilities.
13. The supporting text to policy AM14 discusses the prescription of minimum standards to enable residents to park off-street. Policy AM7 is directed towards the resulting acceptability of development on the local highway network.
14. The National Planning Policy Framework advises the imposition of maximum parking standards only where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising density in locations that are well served by public transport. No evidence has been submitted in the course of the appeal concerning local car ownership rates or therefore whether the proposed development, providing only 2 spaces, would be likely to result in an increased demand for on street parking and congestion along the busy adjacent highway, detrimental to the free flow of traffic and to highway and pedestrian safety, as the Council suggest would result. On balance and in the absence of further information I accept the appellant's case on this issue and do not consider that unacceptable highway impacts, contrary to Local Plan policies AM7 or AM14, would result from the proposed development.

Conclusion

15. Although I do not consider, on the basis of the information available, that the parking provision would be inadequate, the proposal is nevertheless contrary to the development plan's requirements to achieve acceptable living conditions for future occupiers. I have had regard to all matters raised in the appeal, but no material considerations have been raised that are of sufficient weight to warrant setting aside the development plan. Consequently, the appeal is dismissed.

Laura Renaudon

INSPECTOR