The Planning Inspectorate

# Appeal Decision

Site visit made on 12 November 2019

**by S Harley BSc(Hons) MPhil MRTPI ARICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 18th November 2019**

**Appeal Ref: APP/R5510/W/19/3235336**
**102 Hunters Grove, Hayes UB3 3JF**

- 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 J Rai against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 47772/APP/2019/1917, dated 10 June 2019, was refused by notice dated 14 August 2019.
- The development proposed as stated on the planning application form is extension and alterations to existing 3 bed house to create 2 no. 2 bedroom houses with associated amenity and car parking.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The emerging Hillingdon Local Plan: Part Two – Development Management Policies with Modifications 2019 (the emerging LP) is at an advanced stage. Although not mentioned on the Council's decision notice it is listed as a Reference Document in the Council's delegated report on the planning application.

## Background and Main Issue

3. The banner heading above describes the development as stated on the planning application form. On the decision notice the Council describes the application as "*Two storey side extension, part two storey, part single storey rear extension, porch to front and conversion of dwelling into 2 x two storey, 3-bed self-contained dwellings with associated parking and amenity space*." This is because the Council considers that the ground floor study shown on the plan for each proposed dwelling could be used as a bedroom making the properties into three bedroom houses not two bedroom. The appellant is of a different view and I return to this below.

4. The main issue is whether the proposed development would provide acceptable living conditions for future residents in terms of the provision of internal living space and private outdoor space.

## Reasons

5. The London Plan 2016 (the LP) forms part of the development plan for this appeal. The 2016 Minor Alterations to the London Plan (the MALP) adopted the

Technical Housing Standards – Nationally Described Space Standard 2015 (the 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. Further guidance on the policy is provided in the Mayor of London's Housing Supplementary Planning Guidance 2016 (the Housing SPD) and Standard 24 confirms that all new dwellings should meet the NDSS.

6. The plan submitted with the planning application indicates that one dwelling (for convenience I will refer to this as dwelling one) would have a Gross Internal Area (GIA) of 78.52sgm; the other, which I will refer to as dwelling two, would have a GIA of 72.61sqm. These would exceed the minimum GIA requirement of 70sqm for a two bedroom three person dwelling.

7. At my request the appellant provided a plan 05-07-01 Rev F which specifies the dimensions and floor areas of the proposed rooms. The plan shows that bedroom 2 in both proposed houses would meet the standard for a single bedroom for one person. Bedroom 1 in house one would exceed the standard for a double bedroom albeit in a somewhat contrived layout which would not amount to good design. Bedroom 2 in house two would fall well short of the required standard of 11.5sqm. House two would therefore fail to provide a double or twin bedroom of the minimum standard indicated in the NDSS.

8. Accordingly I conclude the proposed development would fail to provide satisfactory living conditions for future residents in terms of the provision of internal living space and would conflict with Policy 3.5 of the LP, the MALP, the NDSS and the Housing SPD. It would also be contrary to Policy DMH 1 of the emerging LP which seeks to ensure adequate amenity and living space. The proposal includes substantial elements of new build and there is no justification for the departure from the minimum standard.

9. The existing rear garden area would be sub-divided to form two gardens. The Council calculates these would be in size some 43sqm and 39sqm respectively. Both gardens would be substantially below the guideline of a minimum of 60sqm amenity space for two (and three) bedroom houses set out at Paragraph 4.15 of the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document: Residential Layouts.

10. The proposal includes substantial elements of new build and there is no justification for providing amenity space which falls substantially short of the guidelines. The proposal would not provide the level of amenity space that could reasonably be expected in an area of semi-detached houses and would not amount to good design. It would be therefore be contrary to Policies BE19 and BE23 of the London Borough of Hillingdon Local Plan Part Two Unitary Development Plan Saved Policies 2012 (the UDP) which seek to ensure development improves the amenity and character of the area and to provide sufficient external amenity space.

11. For the reasons set out above I conclude that the proposed development would not provide acceptable living conditions for future residents in terms of the provision of internal living space and private outdoor space. It would not amount to good design and would conflict with Policy 3.5 of the London Plan, the MALP, the NDSS; the Housing SPD; Policies BE19 and BE23 of the UDP and the HDAS.

The proposal includes a study for each house on the ground floor. I share the Council's view that the proposed studies could be used as a bedroom, a view reinforced by the shower rooms adjoining each study. Were this to be the case the proposal would also fall short of the overall GIA for a three bedroom four person dwelling, which would be more unsatisfactory. However, given my conclusions based on the proposal as being for two bedroom three person dwellings this in not determinative in my decision.

**Conclusion**

12. For the reasons set out above the appeal should be dismissed.

*S Harley*

INSPECTOR