



Appeal Decision

Site visit made on 7 October 2019

by Ben Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/R5510/W/19/3232364

1 and 1A Barnard Gardens, Hayes UB4 9ER

- 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 Ms Lisa O'Neill against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 62057/APP/2018/4137, dated 21 November 2018, was refused by notice dated 27 February 2019.
 - The development proposed is "erection of new flats, with associated facilities; involving the integral extension of the existing ground floor flat here".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the street scene and surrounding area, and
 - the effect of the proposal on the living conditions of future occupiers, with particular regard to the size and quality of flats 1 and 1c and outlook from the bedroom of flat 1b.

Reasons

Character and appearance

3. The appeal site is a corner plot in a relatively prominent position. The site is to the side of a pair of semi-detached dwellings. These dwellings are maisonettes; each having an area of private amenity space to the rear and side. The corner plot includes a garage, access drive and large grassed area. There is a tall hedge on the front boundary adjacent to the highway. This partly encloses the open verdant space. The wider estate consists of similar pairs of semi-detached properties each having a two-storey front bay window and a hipped roof. There is limited external evidence of them having undergone any significant alteration. The regularity of their design reinforces the strong contribution they make to the local character. Consequently, the site makes a positive contribution towards the character and appearance of the street-scene and its surrounding area.
4. The proposal would add a two-storey side extension to the existing building. This would provide two further flats and subdivide the external area to the side

into three small gardens. A comparatively long storage building would also be erected in the garden area. The proposed flats would be of a similar height and design as the existing pair of semi-detached dwellings. However, the balance and width of the existing building would be disturbed. The design would not follow the established pattern of development in the area and would introduce a discordant feature. This harm would be emphasised due to the prominent nature of the site.

5. The proposal satisfies some design objectives to extend the existing building in a complementary manner. However, due to the scale of the proposal and its effect on the existing building, the proposed development would not enhance the street scene. The 3D computer generated composition¹ illustrates the effect of the proposal on adjacent dwellings on Barnard Gardens. The imagery shows an elongated version of the existing building. This would have a substantially harmful effect on the balance of the existing pair. It also illustrates that it would be anomalous with the many repeated versions of the existing form of development in the wider street.
6. The Council's design advice in regard to household extensions is of limited relevance in this case. The requirement for household extensions to be subservient allows for the main building to remain the primary structure and maintain the order of built hierarchy. However, the proposal should not be subordinate to the primary building as it is not 'secondary'. Therefore, the design approach should be for a structure that has its own entity. However, the site is constrained, and the design thus creates a conflict between respect for the connected building and to exert its own independence in the street. The design unsuccessfully balances these conflicts and thus would appear as an anomalous addition to the street-scene.
7. Also, the storage building would be an uncharacteristic feature within the relatively prominent corner site. Despite being single-storey it would nevertheless be obtrusive due to its unconventional length. It would also be overt when viewed from the small parking area. This would subdivide the current gap and interrupt the openness of the site. Existing outbuildings are generally short and subdued. In contrast, the proposed garden stores would be obtrusive and out of character with nearby existing buildings and space. The 3D visual 'main access' shows the impact of the proposal having a substantial urbanising effect on the character of the site. Consequently, although it would be partly screened by hedging, the proposed outbuilding would be a discordant addition to the street. The proposed garden stores would therefore also be harmful to the character and appearance of the street scene.
8. Accordingly, the proposal would be contrary to saved policies BE13, BE15 and BE19 of the Hillingdon Local Plan- Part Two Unitary Development Plan 2012 (UDP), which seek development to harmonise with the local street, suit the scale, form and composition of the street and complement the character of the area.
9. However, the Council's Design Guide for residential extensions² appears to have been referred to incorrectly as the proposal does not seek to extend a

¹ Appellant's drawing reference 0183-PLA-58A – 3D views

² Hillingdon Design and Accessibility Statement – Supplementary Planning Document – Residential Extensions 2008

dwelling. Therefore, whilst including laudable objectives for householder development proposals it is not relevant in this case.

Living conditions

10. The Housing Standards Minor Alterations to the London Plan 2016 (HSMA) states that the relative size of all new homes in London is key to avoiding poor quality dwellings. Furthermore, paragraph 3.5 of the London Plan requires dwellings to achieve minimum space standards. Table 3.3 requires a minimum floor area of one-bed one-person dwelling to be 37sqm and a one-bed two-person dwelling to be 50sqm.
11. The proposal includes the creation of a studio flat (Flat 1c) at ground floor. The Council consider this to be 41sqm and be for two people, whereas the appellant identifies it would be 43.24sqm and would be for one person. The proposal would fall short of the requirement if flat 1c was to accommodate 2 people. However, it is not a mandatory requirement to show a furniture layout and beyond the double bed there is no other evidence that the studio flat would accommodate more than one person. As such I am content that the proposed flat meets the requirements of the Standards.
12. The Council is concerned that the ground floor flat (flat 1) may be converted from a one-bedroom to a two-bedroom dwelling and has a floor area of 54sqm. However, I am unconvinced that flat 1 would be adapted to include a second bedroom as there is limited evidence to support this. Furthermore, the appellant states that there is no intention to create further habitable rooms in this flat.
13. Flat 1b would include a bedroom to the rear corner of the unit. This would have a narrow window in one corner and an obscurely glazed skylight. Being located close to the rear boundary of the plot this would prevent overlooking into neighbouring gardens. Although access to natural light for this bedroom is slightly unconventional and constrained, it would nevertheless provide adequate light and outlook for a future occupant.
14. As such, the proposal would comply with saved policy BE19 of the UDP, which seeks development to complement the amenity of an area. The proposal would also satisfy the Council's guidance for Residential Layouts³ which seek good living conditions for future occupiers. However, the Council's Design guide for residential extensions does not appear to be relevant to this appeal for the reasons outlined above.
15. Furthermore, the proposal would accord with policies 3.5 and 5.3 of the London Plan 2016 and HSMA, which seek minimum space standards of Table 3.3 to be achieved and to ensure that development is comfortable for users. Also, the proposed development would meet the Mayor of London's guidance for Housing⁴, which seeks all new housing to meet the nationally described space standard and have a favourable and adequate outlook. It therefore would also satisfy the Technical Housing Standards⁵, which replicate Table 3.3 of the London Plan.

³ Hillingdon Design and Accessibility Statement- Supplementary Planning Document - Residential Layouts 2006

⁴ Mayor of London's Guidance – Housing 2016

⁵ Technical Housing Standards - Nationally Described Space Standards 2015

16. Policy BE20 of the UDP requires adequate daylight and sunlight to be received by proposed development. Furthermore, policy BE21 of the UDP seeks to prevent the loss of residential amenity due to the siting, bulk and proximity of development. The proposal would not result in the loss of sunlight or daylight and neither would it result in the loss of residential amenity through proximity. As such the proposal would also comply with these policies.

Other matters

17. The National Planning Policy Framework seeks to significantly boost the supply of housing. However, the harm I have identified to the street-scene and conflict with the Development Plan would not be outweighed by this objective.
18. The appellant has explained that a similar development was approved in around 2016 at The Oaks⁶. This was also for a two-storey extension to a pair of semi-detached dwellings to create two flats. It appears, on the limited contextual information provided, to be in an area with various architectural styles. Therefore, the context appears to be different and as a result I can only afford this limited weight.
19. I note that a condition could be applied to seek a revised location and design of the garden stores. However, as I am dismissing the appeal for other reasons, I have not explored this further.
20. The proposal would not affect the living conditions of neighbouring residential occupiers or future occupiers, highway safety and flood issue. However, an absence of harm in these respects can only be considered as neutral factors in the planning balance.
21. In reaching these conclusions I have also had regard to the Hillingdon Local Plan Part 2 emerging Plan, this is not specifically referred to in the Council's reasons for refusal and is currently awaiting the Inspector's final report.

Conclusion

22. For the above reasons, the appeal is dismissed.

Ben Plenty

INSPECTOR

⁶ Planning Application Approval: 39969/APP/2016/3579