
Appeal Decision

Site visit made on 13 February 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2020

Appeal Ref: APP/R5510/W/19/3240683

75 Shakespeare Avenue, Hayes UB4 0BE

- 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 Neaha Madhvan-Saini against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 35060/APP/2019/1702, dated 17 May 2019, was refused by notice dated 28 August 2019.
 - The development proposed is conversion of roof space to habitable use to include a rear dormer and two front rooflights, change of use of existing property from a house in multiple occupation to single dwelling house and demolition of existing side extension and erection of a two storey, 3-bed, attached dwelling house with associated amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's Decision Notice as this is a better description of the development proposed.
3. The Council have commented that the Local Plan Part 2 Saved UDP Policies (2012) against which the planning permission was initially determined has now been withdrawn, the Council rely only on Policies DMHB 11 and DMHB 18 of the Local Plan: Part Two - Development Management Policies (2020). The Council continues to rely on Policy BE1 of the Local Plan: Part 1 - Strategic Policies (2012) and Policies 3.5, 7.4 and Table 3.3 contained in the London Plan (2016).

Main Issues

4. The main issues are the effect of the proposed development on 1) the character and appearance of the area, and 2) the living conditions of future occupants with regard to amenity space and bedroom size.

Reasons

Character and appearance

5. The appeal property is a two-storey semi-detached property with a single storey side and rear extension. It is located on a prominent corner site in a

- predominantly residential area that is largely made up of similar two-storey semi-detached properties, many of which have been extended and altered.
6. Due to the siting of the surrounding dwellings, the junction on which the appeal property is located is positively characterised by its spaciousness and the separation of dwellings from the surrounding footpaths and roadways.
 7. Part of the proposed development involves the construction of a new dwelling adjoining the existing pair of semi-detached properties. It would follow the same roof-line and building lines of the existing pair. However, due to its design, effectively a mirrored version of the existing dwelling, and its siting, creating a terrace of three properties, it would harmfully unbalance the pair, spoil the symmetry and appear incongruous and out of character. It would add excessive bulk and mass to the existing property and would not appear subordinate, nor would it sit comfortably in the street-scene. Due to the scale and siting of the development, on a prominent corner projecting forward from the building line of properties on Balmoral Drive, it would appear intrusive and highly prominent in the street-scene.
 8. Due to its design, scale and siting, the new dwelling would also conflict with the established spaciousness of the surrounding area. It would unbalance the spaciousness of the junction and would not sit comfortably with the established character of the area, that being of predominantly semi-detached properties.
 9. In relation to the proposed dormer window, due to its scale, form and bulk, it would unreasonably dominate the roofscape and the rear elevation of the property to the extent that the appearance of the property would be harmed. This is because the set-back from the eaves, ridge and sides would be insufficient and would result in the dormer window appearing as a continuation of the rear elevation to a second floor, rather than a roof alteration. It would appear excessive and prominent when viewed from the street.
 10. I note the appellant's comments in respect of the side extension to the property on the junction of Spencer Avenue and Shakespeare Avenue. I do not have full details of the case but it appears to be a two-storey side extension, subordinate to the host dwelling, unlike the appeal proposal which is for a new dwelling, level with the roofline and building line of the existing property. Therefore, it is not directly comparable to the appeal before me which I have determined on its own individual merits.
 11. I therefore conclude that the proposed new dwelling and dormer window, would harm the character and appearance of the area. They would be contrary to Policy DMHB 11 of the London Borough of Hillingdon Local Plan Part Two - Development Management Policies (2020) which seeks that, all development, including extensions, should protect the character and appearance of the area.
 12. The proposal would be contrary to Policy BE1 of the London Borough of Hillingdon Local Plan Part One - Strategic Policies (2012) and Policies 3.5 and 7.4 of the London Plan (2016). Collectively, these policies require, amongst other things that, new developments should achieve a high quality of design.
 13. The proposal would also be contrary to the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Documents, Residential Layouts (2006) and Residential Extensions (2008). These documents aim to secure, amongst other things, the successful integration of development into

residential areas and that residential extensions are of high quality and do not harm the character and appearance of the area.

Living conditions

14. The proposal includes the creation of two separate rear amenity spaces, one for each proposed property.
15. Policy DMHB 18 of the Local Plan Part 2 requires that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space. Amenity space should be provided in accordance with the standards set out, which for a four-bedroom dwelling are 100sqm. The proposed four-bedroom dwelling would provide external private amenity space of around 68sqm.
16. On my site visit I observed that, due to a significant lack of landscaping and being almost entirely hard surfaced, the current rear garden area was of very poor quality. The development, due to a lack of proposed soft and hard landscaping would not create a good quality and useable private outdoor amenity space as required by the policy. This, combined with the size of the amenity space, significantly below the amount required by the relevant policy for a dwelling of the size proposed, would not constitute the provision of a good quality, useable outdoor amenity space for future occupants.
17. Although I find harm to future occupiers in respect of a lack of outdoor amenity space, given that the proposal is for a change of use of an existing premises and the construction of a new dwelling, the proposed amenity space would not be detrimental to the living conditions of any existing occupiers. I also do not find that the amenity space provision, in the context of the plot sizes in the surrounding area, would amount to overdevelopment of the site.
18. The layout of the proposed dwelling includes the provision of a single bedroom, which the Council comment is 5.5 sqm in area. The Mayor of London Housing Supplementary Planning Guidance (SPG) (2016) outlines that Policy 3.5 of the London Plan (2016) sets out an approach to the design of individual dwellings and incorporates the Government's nationally described space standard, (adopted through the Housing Standard Minor Alterations to the London Plan (2016)), which new dwellings are required to meet. The Technical housing standards – nationally described space standard (DCLG 2015) outline that in order to provide one bed-space, a single bedroom is required to have a floor area of at least 7.5 sqm. The proposal would fail to meet this requirement and as a result would provide a bedroom of substandard size.
19. I therefore find that the proposal, insofar it relates to the amenity space and bedroom size, would have an unacceptable impact on the living conditions of future occupants. It would be contrary to Policy DMHB 18 of the Local Plan: Part Two - Development Management Policies (2020) which requires, amongst other things, the provision of good quality and useable private outdoor amenity space in residential developments, and Policy 3.5 of the London Plan (2016) which requires new homes to have adequately sized rooms.
20. The proposal would be contrary to guidance contained in the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document Residential Layouts (2006) which requires, amongst other things, residential

developments to incorporate usable, attractively laid out private garden space of an appropriate size, having regard to the size of the dwelling.

21. The proposal would also be contrary to The Mayor of London Housing SPG (2016) and the Housing Standard Minor Alterations to the London Plan (2016), which requires new dwellings to meet the standards outlined in The Technical housing standards – nationally described space standard (DCLG 2015).

Other Matters

22. The appellant has referred to the creation of two new family dwellings which will occur as a result of the proposal, I do not however find that this outweighs the harm that would be caused to the character and appearance of the area and the living conditions for future occupants.
23. The appellant has referred to their frustration in dealing with the Council and hostility and resentment from local residents due to a previous planning application. These are not relevant matters for the appeal process and in determining the appeal I have only had regard to the planning merits of the proposal.

Conclusion

24. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal be dismissed.

A M Nilsson

INSPECTOR