



Appeal Decision

Site Visit made on 23 February 2021

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/R5510/W/20/3261814

Land adjacent to 87 Mulberry Crescent, West Drayton UB7 9AQ

- 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 Ahsan Khan against the decision of London Borough of Hillingdon.
 - The application Ref 6476/APP/2020/1931, dated 25 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is demolition of existing single storey side extension & creation of new 1-bed dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In his grounds of appeal the appellant referred to a previous refusal of planning permission relating to this site. However, that decision is not in front of me, and I do not have any details. Similarly, the drawings indicate a previous approval for a first floor rear extension. Again, I do not have the drawings to show this, particularly its roof form. In light of the above, I have determined the appeal on its own merits and the information in front of me.
3. The Mayor of London published the London Plan 2021 on 2 March 2021. In light of this change in the development plan I asked the parties for their comments and have taken these into account in this decision.

Main Issues

4. The main issues are:
 - the effect on the character and appearance of the area;
 - whether the proposal would provide suitable living conditions for the occupiers in terms of size and accessibility; and
 - the convenience of residents in terms of parking.

Reasons

Character and appearance

5. Mulberry Crescent is in an area of housing. Predominantly the built form is of two-storey terraces and semi-detached properties back from the highway. Properties have low-pitched roofs and are completed in yellow stock bricks. The

- gaps between the terraces and semi-detached properties are quite large giving the area a spacious feel.
6. The appeal site is located on the north side of Mulberry Crescent. It is a semi-detached property with a single storey flat roofed extension to the western side and rear. The property has a ridge running parallel to the road. The adjoining property has a gable fronting to Mulberry Crescent with access to the side. The main properties are completed in render and in different colours to each other while the single storey extension is completed in red brick. Compared to the majority of buildings in the vicinity it is located relatively close to the highway.
 7. To the west is a pair of semi-detached dwellings facing East Wood Road. The built form of this property is somewhat different in that it has a half-hipped roof, and a brick soldier course above ground floor window level.
 8. The proposal is to widen the single storey flat roofed extension, and also add a first floor wrap around extension to the side and the rear. Facing Mulberry Crescent the roof would be set down.
 9. There would be a 1.8 m gap between the appeal property to the boundary with 2 and 4 East Wood Road. Even with the set down in the ridge line and the change in levels between properties this gap would also appear noticeably less than other gaps between buildings in the vicinity particularly at first floor level. This would mean that the proposal would appear cramped in the street scene and would be harmful to the character and appearance of the area and would harmfully reduce its spacious feel.
 10. Consequently, the proposal would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) (the LPP1) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies (the LPP2). These require development to improve and maintain the quality of the built environment, harmonising and being well integrated with local context including the street scene. It would also be contrary to paragraph 127 of the National Planning Policy Framework (the Framework) which indicates that planning decisions should ensure developments are sympathetic to local character.

Living conditions

11. Policy DMHB 16 of the LPP2 requires all housing development to meet or exceed internal space standards to ensure an appropriate living environment. The proposal would be for a two-storey one-bedroom dwelling. Under the terms of LPP2 this should have a minimum Gross Internal Area (GIA) of 58 m². The GIA is defined as the total floor space measured between the internal faces of the perimeter walls that enclose a dwelling. This includes partitions, structural elements, cupboards, ducts, flights of stairs and voids above the stairs. Policy D6 of the London Plan 2021 also requires a GIA of 58 m² for a one-bedroom dwelling over 2 storeys.
12. Policy D7 of the London Plan 2021 indicates that dwellings, as a minimum, should also meet Building Regulations requirement M4 (2) "accessible and adaptable dwellings". This requires that dwellings of this type should have step free access and a WC at entrance level.
13. The proposed floor plan (Drawing 04 revision A) has two tables for the floor area of the dwelling. One, which has all the individual rooms, totals 56.87 m²,

but that for the GIA figure is 61.84 m². This difference would be explained by the internal walls which, as set out above, do not form part of the GIA figure. Therefore, the dwelling would meet the GIA figure required through Policy DMHB 16 of the LPP2 and Policy D6 of the London Plan 2021.

14. However, a planning permission grants permission for both the external and internal layout, and the layout does not show how step free access could be delivered or include provision for a WC on the ground floor.
15. I have considered whether this could be secured by condition, as Policy D7 of the London Plan 2021 does indicate that the relevant requirement can be secured in this way. In considering this there does have to be a reasonable prospect that the condition could be complied with. Given the location of the existing entrance and the levels of the area I am satisfied that an accessible access could be provided. However, given the layout of the ground floor of the dwelling and the location of the various windows, I am not satisfied that a WC could be achieved at entrance level, as either circulation within the dwelling or light to rooms would be compromised.
16. That being the case, while the property would be of suitable size, and could have an accessible entrance it would not provide for a WC at entrance level. Consequently, while the proposal would comply with Policy DMHB 16 of the LPP2 as set out above, it would be contrary to Policy D7 of the London Plan. It would also be contrary to paragraph 127 and footnote 46 of the Framework which indicates planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing.

Parking

17. Currently there is room for two vehicles to be parked on the site in front of the dwelling. Policies DMT 2 and DMT 6 of the LPP2 require safe and efficient vehicular access and for development to provide appropriate parking in line with relevant standards. Policy DMT 6 indicates these standards can be varied where there would not be a deleterious impact on street parking provision, congestion or local amenity. The standards require two spaces on-site for three-bedroom dwellings and one space for one-bedroom dwellings. Therefore, for the purposes of this appeal, as there would be two dwellings as a result of the proposal, three on-site spaces should be secured and only two are shown.
18. In the officer report on the application it is reported that there are no parking restrictions but there was a consultation for the introduction of a Parking Management Scheme. A Scheme has now been brought into effect, although this ceases outside the appeal site and there are double yellow lines to restrict parking around the junction of Mulberry Crescent with East Wood Road. However, parking on the highway to the west of the junction is unrestricted meaning that parking can take place a short distance to the west.
19. That there is insufficient parking on site to meet the relevant standards is clear. However, what next needs to be considered is what would be the effects of that deficiency of parking.
20. Given that the Parking Management Scheme has been introduced clearly shows that there would have been an issue with parking in the area. But the physical extent of the Parking Management Scheme will also be relevant. If the parking

issue extended beyond the area of the Scheme, it is logical that area would have been included too. It is also the case that the effects of any displacement of parking from within the Parking Management Scheme should have been considered in deciding the extent. I have not been provided with any parking surveys to indicate there is a particular issue outside the Parking Management Scheme area.

21. Should an occupier of the new or existing dwelling be unable to park on site, it is reasonable for them to park on the highway. It has not been alleged that there would be highway safety implications from the parking being located off-site, and the nearest unrestricted parking is close enough so that it would not be inconvenient for the occupier or so that any occupier would not use it.
22. Therefore, while there is insufficient parking to meet the Council's Parking Standards, I am satisfied that this would not result in a deleterious impact on street parking provision, congestion or local amenity. As such the proposal would comply with Policies DMT 2 and DMT 6 of the LPP2 as set out above.

Other matter

23. The appellant has emphasized the importance, recognised in the supporting text to Policy H10 of the London Plan 2021, of smaller dwellings, in an area of predominantly three bedroom properties. I take this into account but consider that if good quality accommodation is going to be made for smaller households of all ages it is important that it provides accommodation which is accessible and has an entrance level WC. Consequently, this does not alter my overall conclusion.

Conclusion

24. While the proposal would be satisfactory in terms of parking, and would be of suitable size, it has not been shown to provide for a WC at entrance level and it would be harmful to the character and appearance of the area. I consider that these matters are overriding.
25. For the reasons given above I conclude that the appeal would be contrary to the development plan taken as a whole. As there are insufficient material considerations to indicate a decision contrary to the development plan, the appeal should be dismissed.

RJ Jackson

INSPECTOR