



Appeal Decision

Site visit made on 13 May 2021

by Rebecca McAndrew BA Hons, PG Dip Urban Design, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 June 2021

Appeal Ref: APP/R5510/W/20/3258007

Land & garage building rear of 1 & 2 Ashburton Court, Ashburton Road, Ruislip HA4 6AD

- 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 R. J. Ryan against the decision of the London Borough of Hillingdon.
 - The application Ref 74981/APP/2019/4151, dated 27 December 2019, was refused by notice dated 10 March 2020.
 - The development proposed is described as the demolition of existing garages (Class B8 storage & distribution) and erection of single storey detached one bedroom detached dwelling with associated refuse, cycle stores and amenity space provision.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellant's statement refers to a permitted change of use from a B8 storage or distribution use to a B1 business use. During the course of the appeal the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 has come into effect. However, transitional provisions remain in place which would currently allow the change of use referred to. I have therefore considered the appeal on this basis.
3. The appellant queries reference to Policy DMH6 in the Council's Officer Report. However, given that the Council does not refer to this policy within the Reasons for Refusal, I have afforded it very little weight in my decision.

Main Issues

4. The main issues are;
 - i) The effect of the proposal on the character and appearance of the site and area;
 - ii) The effect on the living conditions of the neighbouring occupiers of Nos 1 and 2 Ashburton Court, in terms of outlook;
 - iii) Whether the scheme would provide satisfactory living conditions for the future occupiers, in terms of the level of private garden space; and

- iv) Whether the proposal makes adequate provision for parking off-road and the effect of any lack of provision on the amenity of the area and highway safety.

Reasons

Character and Appearance

- 5. Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012) (HLP1SP), DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) (HLP2DMP) and Paragraph 127 of the National Planning Policy Framework ('the Framework'), taken together, seek to secure good quality development which responds to local context, in terms of design, scale and existing development pattern.
- 6. The appeal proposal would be accessed off Hatherleigh Road, which is characterised by traditional bay fronted two-storey terraced properties, that address the highway, and include both ample front gardens and good-sized rear gardens. By contrast, the appeal proposes a single storey dwelling, which would fill a significant proportion of the site, located in close proximity to three boundaries. It would include only a small area of private garden space, which would be located to the front of the property, and would be enclosed by a 1.8 metre high fence onto Hatherleigh Road.
- 7. I recognise that the proposed bungalow would be a similar size to the existing garage and other outbuildings in the vicinity and would not be widely visible within the street scene. However, the design context for the proposed development is the other residential dwellings in the area and not outbuildings. The design and scale of the proposed bungalow, along with the lack of active frontage, would be at odds with the established residential character and appearance of surrounding dwellings. In addition, the small plot and cramped layout would be incongruous when compared with the existing development pattern of the area. The proposed development would therefore fail to respond to the site context and properly integrate into the surrounding area. In view of this, the proposed development would be harmful to the character and appearance of the area and would therefore conflict with Policy BE1 of HLP1SP, Policies DMHB 11 and DMHB 12 of HLP2DMP and Paragraph 127 of the Framework.

Living Conditions of Neighbouring Occupiers

- 8. Whilst the proposed dwelling would have a slightly larger footprint and be slightly higher than the building it would replace, a similar distance would be retained between the appeal proposal and the rear elevation of neighbouring properties Nos 1 and 2 Ashburton Court. In addition, views of the proposed dwelling from those properties and their rear garden would be partially screened and softened by their existing outbuilding. On this basis, the appeal proposal would not significantly affect the outlook of these neighbouring occupiers or harm their enjoyment of their private garden space. The proposal therefore meets the requirements of Policy DMHB 11 of HLP2DMP, which seeks to safeguard the living conditions of neighbouring occupiers.

Living Conditions of Future Occupiers

9. The level of private garden space for the proposed bungalow would fall short of the minimum standard of 40 square metres required for a dwelling of this size by Policy DMHB 18 of HLP2DMP. Whilst I note that the proposed garden includes a bike store, bin store, an area of grass and a paved area, overall, the proposed level of garden area would offer limited useable space. I acknowledge that there are parks and recreation facilities in the vicinity of the appeal site and that not everyone requires a large garden. However, neither of these matters outweigh my view that, given the limited size of the proposed garden area, the scheme would not provide an adequate standard of living conditions for future occupiers. Therefore, the proposal is contrary to Policy DMHB 18 of HLP2DMP.

Parking Provision

10. The appeal scheme does not include any off-street parking. Policy DMT 6 of HLP2DMP requires two off-road parking spaces to be provided for a new dwelling, unless there would not be any harm to street parking provision, congestion or local amenity.
11. It appeared to me from my site visit that the site lies within walking distance of a range of services, a bus stop and a tube station. In addition, the proposed dwelling is modest in size and therefore would be unlikely to generate a significant level of car ownership. Moreover, there was a good level of on-street parking available within the vicinity, with no evidence of a clear parking problem in the area. Taking all of this into account, the proposal would be unlikely to result in a shortage of on-street parking provision in this location which would cause congestion or harm local amenity. The appeal proposal therefore would not conflict with HLP2DMP Policies DMT 2 and DMT 6 which, taken together, seek to safeguard highway safety.

Other Matters

12. I recognise that this is an independent planning unit and that a certificate of lawfulness has been granted which confirms the B8 storage or distribution use at the site to be lawful. I have considered a number of matters raised by the appellant in relation to this use in support of the appeal:
- i) The appellant considers that the appeal proposal could 'tidy up' the site and would be more compatible with the surrounding residential uses than the existing B8 use. However, the storage use is not unsightly as the garage building is self-contained and the small external storage area is well-screened in the wider environment by the high boundary fence. In addition, there is no evidence before me that the current use harms the living conditions of existing neighbouring occupiers. In my opinion, the existing B8 use appears to be operating in a satisfactory manner in this predominantly residential area and therefore the benefits of introducing a residential use to this plot would be limited.
 - ii) The appellant claims that the existing 'low key small scale operation' could intensify and cause disturbance to local residents. However, given the small size of the appeal site, there would be limited scope for the use to intensify to such a degree that it would significantly impact upon the living conditions of neighbouring occupiers.

- iii) Whilst there are permitted development rights which would allow the change of use of the site from B8 storage or distribution to a B1 business use, there is no evidence before me that such proposals are planned. In any event, B1 uses are categorised as uses which can be carried out in any residential area without detriment to the amenity of that area. Therefore, any such change of use would be unlikely to have a greater impact on the area than the existing situation.

In view of the above, I attach limited weight to each of these matters in considering the appeal.

13. I acknowledge that Paragraph 68 of the Framework recognises the contribution small sites and brownfield sites can make to delivering residential development. However, this would not outweigh my overall concerns regarding the harm the proposal would have on the character and appearance of the area and the inadequate standard of living conditions proposed for future occupiers.

Conclusion

14. I have concluded that the proposed dwelling would be acceptable in terms of effect on the living conditions of neighbouring occupiers and the absence of off-street parking provision. However, my conclusions with regard to the harm to the character and appearance of the area and the inadequate standard of living conditions for future occupiers represent significant and overriding objections which must be decisive. For this reason, I conclude the proposal would not be consistent with the principles of sustainable development as it conflicts with the policies of the development plan and the Framework when taken as whole.
15. Therefore, for the reasons given above and taking into account all matters raised, I conclude that the appeal should be dismissed.

Rebecca McAndrew

INSPECTOR