



Appeal Decision

Site visit made on 20 April 2021 by Ms S Maur

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/R5510/D/21/3269315

Site Address: 635 Uxbridge Road, Hayes UB4 8HS

- 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 A. Quad LTD against the decision of London Borough of Hillingdon Council.
 - The application Ref 4961/APP/2020/3660, dated 2 November 2020, was refused by notice dated 25 January 2021.
 - The development proposed is a first floor rear extension, conversion of garage/garden store into garden room and installation of vehicular crossover to front.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The London Plan (2016) has been replaced by the adopted London Plan (2021). This appeal must be determined with regard to the current adopted development plan. The description of the development has been taken from the Council's decision notice and the appeal form rather than the application form, as the former reflects the proposals with greater precision.

Main Issues

4. The main issues are:
 - (i) the effect of the first floor extension on the character and appearance of the area;
 - (ii) the effect of the first floor extension on the living conditions of the occupiers of 367 Uxbridge Road with regard to light and visual effect;
 - (iii) the effect on the living conditions of the occupiers of the host dwelling with regard to whether adequate external amenity space would be retained; and
 - (iv) whether the alterations to the garage and store would accord with the development plan policy for outbuildings.

Reasons for the Recommendation

Character and Appearance

5. The host dwelling is a two-storey detached house with a rear single storey extension, with a flat roof. The appeal site is located on the corner of a small cul-de-sac, within a commercial and residential setting. There is a pair of semi-detached properties that are not extended at first floor level that neighbour the appeal site. The two-storey element of the existing property is significantly longer than the neighbouring semi-detached dwellings.
6. The proposal includes the erection of a first-floor rear extension above the existing single storey rear extension. Due to the depth of the extension, this would lead to an overly lengthy dwelling in comparison to other dwellings within the vicinity. The dwelling would therefore appear bulky and out of scale for the area. The harmful effect of this would be accentuated by its position within a visually prominent corner plot, where its relationship with the neighbouring properties is highly visible. For these reasons, the proposed first floor extension would cause unacceptable harm to the character and appearance of the area.
7. Considering the above, it is concluded that the first floor extension would result in a significant level of harm to the character and appearance of the area. This would be contrary to Policies DMHD 1, DMHB 11 and DMHB 12 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (2020) and Policy BE1 of the London Borough of Hillingdon Local Plan Part 1 – Strategic Policies (2012). Together these Policies seek development to be designed to the highest standard and be well integrated to the surrounding area with no adverse cumulative impact on the character of the area.

Living Conditions (occupiers of number 367)

8. The existing host dwelling projects out further to the rear than the neighbouring semi-detached properties which have not been extended above ground floor level.
9. The proposal is for the erection of a first-floor rear extension above the existing single storey rear extension. The depth of the extension, together with the already off-set rear-wall of the existing dwelling, beyond that of number 367, would result in a tall and bulky extension when seen from the neighbouring property and its garden. This would result in a dominant extension which would appear as significantly overbearing. Due to the orientation of the site and the height and depth of the extension, there would be overshadowing and loss of light to the neighbouring dwelling and garden. The first floor extension would therefore cause significant harm to the living conditions of the occupiers of 367 Uxbridge Road in terms of light and visual effect.
10. Even if the neighbouring property is currently within the same ownership as the appeal property, the living conditions of existing and future occupiers of that dwelling remains an important material consideration. In this case the scale of the proposal is such that the harm would be significant.
11. The first floor extension would be contrary to Policies DMHB 11 and DMHD 1 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (2020). Together, these Policies seek to ensure development has a satisfactory relationship with the adjacent dwelling and

does not adversely impact on the amenity, daylight and sunlight of adjacent properties.

Living conditions (occupiers of the appeal property)

12. The proposal includes the installation of a vehicular crossover onto the road and the removal of part of the boundary wall located at the end of the garden next to the garage/garden store. The inclusion of a new parking space within the garden would reduce the size and space of an already modestly sized garden. Although imitation grass is proposed to provide a grass effect, ultimately a crossover and parking space would be provided and, when in use, the remaining garden space would be very limited. This would result in poor living conditions for the occupiers of the appeal property.
13. The proposal also includes the conversion of the garage and store to provide additional space that the occupiers of the house could use for leisure. However, that would be additional inside space and so would not adequately mitigate the reduction in useable outside space. Even if other parking options are available for this dwelling, the provision of the access and parking area would still make it likely that this space would be used for parking and thus the harmful effect described above, is still likely to arise.
14. This part of the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020). These Policies require that development be of a high standard of design and that adequate garden space be retained.

Outbuilding

15. Permission is sought for the alteration of the outbuilding, which would be used as a garden room. The drawings show the inclusion of a bathroom and kitchenette. The proposal must be considered with regard to the relevant development plan policies. Policy DMHD 2 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020) has clear policy requirements which includes preventing outbuildings from providing primary living accommodation, such as bathrooms and kitchens. The inclusion of this type of accommodation is directly contrary to this Policy. The provision of a bathroom and kitchenette in the building would be convenient for its use as a home office and leisure purposes. However, this is a minor private benefit which does not outweigh the policy requirements. Although the appellant intends to only use the outbuilding for purposes incidental to the enjoyment of the dwelling the policy is clear and the provision of such facilities can result in intensified use to the detriment of the living conditions of nearby occupiers.
16. Whether there are circumstances where the erection or alteration of such a building, and its use for purposes incidental to the enjoyment of a dwelling can fall within permitted development, carries limited weight in considering the planning merits of this appeal. Even if the garage is too small to accommodate most modern cars, this does not outweigh or override the policy requirements.
17. The alterations to the garage and store would not accord with Policy DMHD 2 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020). This requires that outbuildings should not be capable of independent use and do not contain primary living accommodation. The fourth reason for refusal referred to a number of other Policies, these are not central to the main

considerations relevant to the works to the outbuilding. However, that does not undermine the conflict that would arise with Policy DMHD 2.

Other Matters

18. I have noted the difficulty the appellant may be facing in letting out the property and the wish to re-let to a family which includes someone with a disability and a carer. In addition, the first floor extension would provide a space further from the main road which would likely result in a quieter internal area. However, these are largely personal benefits and would only relate to a single household. As such they only carry moderate weight.

Conclusion and Recommendation

19. The benefits that would arise only carry moderate weight, which would not outweigh the substantial harm identified above.
20. The development would not accord with the development plan when it is considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

K Taylor

INSPECTOR