



Appeal Decision

Site Visit made on 29 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/R5510/W/21/3269311

Land adjacent to 22 Chestnut Close, Hayes UB3 1JF

- 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 H Saini against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 60992/APP/2020/3354, dated 17 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is "erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space at Land adjacent to 22 Chestnut Close, Hayes UB3 1JF in accordance with the terms of the application, Ref 60992/APP/2020/3354, dated 17 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of proposed development from the Council's decision notice as this is a clearer and more precise description of what is shown in the proposed plans than that provided by the appellant in their application and appeal forms. This does not change the scheme for which planning permission is sought.
3. The application form also identified the appeal site as "land adjacent to 2 Chestnut Close", but the plans, appeal form and other submissions confirm this is an error and the correct address is 'land adjacent to 22 Chestnut Close'.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

5. The appeal site comprises one half of a pair of two storey semi-detached dwellings with front, side and rear gardens and an outbuilding on a corner plot. The surrounding area is characterised by a mix of semi-detached and short terraced rows of dwellings of similar styles, set back behind front gardens or off-street parking. It is proposed to extend the existing dwelling to the side to create a two-bedroom dwelling with a ground floor rear projection. Not including the ground floor rear projection, the proposed dwelling would be of

- matching depth and height as the existing dwelling, with a matching hipped roof.
6. Planning permission exists for the extension of the existing dwelling to create a one-bedroom dwelling¹. Copies of that scheme have been presented by the appellant. The main differences between the approved scheme and the proposal are: the front elevation of the approved scheme would be set back from that of the existing dwelling; the approved scheme would be of narrower width and longer depth compared to the proposal; the approved scheme would be set in further from the side boundary than the proposal; and the approved scheme would have its main entrance on the side elevation. In the context of surrounding semi-detached pairs and short rows of terraced houses, the approved scheme would appear contrived on account of its set back from Chestnut Close and its long side elevation and main entrance door facing Walnut Close.
 7. One of the Council's objections to the proposal is that it would close an important gap characteristic to the area, resulting in a cramped form of development, but I have seen no evidence to suggest this open gap is a particular characteristic of the area. I noted the dwellings erected within what were previously similar gaps at 21 and 23 Chestnut Close on the opposite side of the street, either side of the entrance to Almond Close. I also note details of a similar scheme which would occupy the side garden of 24 Walnut Close, which was recently granted planning permission².
 8. The Council have suggested there are considerable differences between the proposal and the approved scheme at No.24, but having seen the plans presented they are in fact very similar in terms of size, scale, bulk and design, although the approved scheme at No.24 would vary in distance from its side boundary. The proposal would be sited closer to its side boundary than the dwellings approved at Nos. 21, 23 and 24, but not by much. It would retain what the Council refer to as a 1m gap and would not appear any more cramped than the surrounding building layouts. The proposal would appear in unison with those dwellings occupying former open plots on the opposing corners of the junctions of Chestnut Close, Walnut Close, and Almond Close.
 9. The proposal would project towards to the boundary on Walnut Close, forward of the building line within that cul-de-sac. This would reduce the currently open entrance to the cul-de-sac; however, considering the approved scheme at No.24 on the other side of the entrance to the cul-de-sac, there would be limited benefits from the appeal site remaining open. The existing dwelling already projects forward of the main building line within Walnut Close, which steps back even further at its southwestern end. The effect of the proposal on views of that building line from Chestnut Close would therefore be diminished.
 10. The Council have also objected to the proposal on the basis that it would not appear as a subordinate addition to the existing dwelling, referring to the lack of a set back at all levels. As a new dwelling rather than an extension to the existing dwelling, I do not consider it necessary for the proposal to appear subordinate to the existing dwelling in order to ensure it blends well with the character and appearance of the building and surrounding area. The proposal

¹ 60992/APP/2019/2719

² APP/R5510/W/20/3247712

would complement the existing dwelling by being of similar width and matching height and depth.

11. The proposal would therefore reflect other dwellings approved on the three other corner plots on the junctions of Chestnut Close, Walnut Close and Almond Close and would not cause any harm to the character or appearance of the existing building or surrounding area, in accordance with Policy BE1 of the Council's Local Plan: Part 1³ and Policy DMHB 11 of the Council's Local Plan: Part 2⁴. These policies require, amongst other things, all new development to improve and maintain the quality of the built environment, which should harmonise with the local context without resulting in inappropriate development of gardens.
12. The Council's decision notice refers to Policy DMHB 1 of their Local Plan: Part 2; however, this policy relates to heritage assets and I have not been provided with any evidence to suggest the proposal affects any heritage assets. I therefore find no conflict with this policy.
13. The Council's decision notice claims the proposal fails to accord with the London Plan (2016) and the Framework⁵, but no specific policies or paragraphs are referred to or have been provided with the Council's appeal submissions. The Council's appeal statement confirms the London Plan (2021) forms part of their development plan now, but no specific policies are identified as relevant to the proposal. Based on the evidence before me, I do not see any conflict with the London Plan (2021) or the Framework.

Other Matters

14. The Council have referred to a previous appeal decision at the appeal site dating from 2004, where a scheme for a house was dismissed due to its impact on the openness and character of the street scene and surrounding area. The reference number for that appeal decision has not been provided and neither have copies of the full details of that scheme or the appeal decision itself to allow me to make an informed comparison with the proposal. From the two selected paragraphs of that decision provided in the Council's officer report it is clear that the layout and character of the area has changed since that appeal decision was written, with planning permission since being granted for dwellings at the appeal site and Nos. 23 and 24. Circumstances have therefore changed and I have assessed the proposal based on its merits in the context of its current surroundings and the planning permissions recently granted, finding no harm would be caused to the character or appearance of the area.

Conditions

15. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition identifying the approved plans, in the interests of clarity and enforcement. I have seen the conditions suggested by the Council, but do not consider a condition prohibiting the installation of any additional windows, doors or other openings to be reasonable or necessary to prevent overlooking to adjoining properties in this instance. I have amended some of the other conditions suggested by the

³ Hillingdon Local Plan: Part 1 – Strategic Policies (2012)

⁴ Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

⁵ National Planning Policy Framework (2019)

Council to ensure they meet the relevant tests set out in the Planning Practice Guidance.

16. Conditions relating to materials and landscaping are necessary to safeguard the character and appearance of the area. A condition ensuring the car parking spaces are retained for such purposes is necessary in the interests of highway and pedestrian safety. The Council have suggested a condition specifying the provision of visibility splays, but I note the submitted plans show visibility splays which appear to be of appropriate layout for the site and the Council's officer report has not raised any objection to this layout. A condition requiring the implementation of the proposed parking layout, which includes visibility splays, prior to the occupation of the new dwelling is therefore necessary to ensure highway and pedestrian safety. A condition requiring compliance with the relevant parts in Approved Document M to the Building Regulations is necessary to ensure the building is accessible to occupants with reduced mobility, and this would ensure access to the dwelling is step-free, removing the need for an additional condition specifying this.
17. The Council have not suggested a condition relating to bicycle storage facilities, but the officer report suggests such a condition requiring details of two secure and covered bicycle parking spaces would be necessary to ensure compliance with the development plan

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 18 April 2018; a101 dated 10 December 2020; A102 dated 10 December 2020; A105 dated 10 December 2020; A106 dated 10 December 2020; A107 dated 10 December 2020; A109 dated 10 December 2020.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -
 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - 2.a Refuse Storage (inc. elevations if appropriate)
 - 2.b Cycle Storage (inc. elevations if appropriate)
 - 2.c Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - 2.d Car Parking Layouts
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 5) The dwelling shall not be first occupied until space has been laid out within the site in accordance with drawing no. A107 dated 10 December 2020 for two cars to be parked and that space shall thereafter be kept available at all times for those purposes.
- 6) The dwelling shall not be first occupied until details of secure covered bicycle parking facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby

permitted. The secure covered bicycle parking facilities shall thereafter be retained and kept available at all times for the parking of bicycles.

- 7) The dwelling shall not be first occupied until the Building Regulations Optional requirement M4(2) has been complied with.