



Appeal Decision

Site Visit made on 28 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/21/3267253

Land between 23-25 Little Road, Hayes UB3 3BT

- 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 Sarmad Mahdi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75175/APP/2020/2951, dated 23 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is "Erect a dwelling house on the land".
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Decision

1. The appeal is allowed and planning permission is granted for the proposal: "Erect a dwelling house on the land" at Land between 23-25 Little Road, Hayes UB3 3BT in accordance with the terms of the application, Ref 75175/APP/2020/2951, dated 23 September 2020, subject to the attached Schedule of Conditions.

Preliminary Matters

2. The appellant has submitted amended floor plans as part of the appeal, seeking to address concerns expressed by the Council's Access Officer. As the Council have not commented on these and the matter can be addressed by a condition requiring the dwelling to accord with Building Regulations optional requirement M4(2), I have not considered these amended plans as part of the proposal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a vacant strip of land fenced off on all sides, between two residential properties fronting onto Little Road. It previously acted as an access point to the former Chailey industrial estate to the east, which is currently being redeveloped into a complex of residential flats.
5. Little Road is characterised by pairs of 1930s semi-detached dwellings, apart from short terraced rows either side of the northern entrance to the street. Most buildings within the street have some form of small front garden and off-street parking to the front/side and are regularly spaced apart at first floor level, but separation gaps at ground floor level are less regular. The street does not feel particularly spacious, with views of taller buildings in the near distance acting as a backdrop. Notably, a large warehouse abuts the southern

end of the street and four storey tall blocks of flats undergoing construction to the east form part of the character of the area. In this context the appeal site is an uncharacteristic open site, an anomaly leftover from the former industrial estate with no obvious purpose.

6. It is proposed to erect a detached two-bedroom dwelling with off-street parking to the front and a ground floor projection and garden to the rear. This would appear narrow in comparison to the surrounding semi-detached dwellings in the street scene, but its depth and height would reflect neighbouring buildings in the street. The proposal would incorporate certain design features that reflect the vernacular of the street, including bay windows on the front elevation, a hipped roof, and chimney. It would be set back behind the general building line within the street to accommodate an off-street parking space, resulting in its rear elevation protruding beyond its immediate neighbours, but not beyond other neighbouring buildings.
7. The Council object to the proposal closing a visually open gap, but that gap only serves to provide views of the hard surfaced vacant site and blocks of flats immediately behind the site. The size of this gap is at odds with the rest of the street, and with no clear purpose the site appears redundant. The proposal would look different to neighbouring properties due to its detached form and the building occupying the full width of the plot, but open gaps between the proposed dwelling and neighbouring buildings would remain at first floor level which would be comparative in size to others in the street. The proposed dwelling would abut a ground floor side extension at No.23, but many properties adjoin one another at this level within the street.
8. The proposal would not therefore result in a terracing effect and the site would not appear any more cramped than others in the street. Its scale and design would be appropriate for the area, adopting bay windows and a hipped roof which are prominent in the street. It would appear different, but the narrow form of the proposed dwelling would not cause any harm to any special characteristics of the area and would improve the appearance of an otherwise vacant part of the former industrial estate. Therefore, although the form of the proposed dwelling would not reflect other dwellings within Little Road, it would not cause any harm to the character or appearance of the area and would make good use of previously developed land which is currently vacant.
9. Policy DMHB 11 of the Council's Local Plan: Part 2 specifies some principles of good design. The proposal would harmonise with the local context on account of its scale, height, mass and detailing reflecting those of the street, as well as its positioning in relation to building lines, rooflines and gaps between neighbouring structures. It would not match neighbouring plot sizes and widths and would be set back slightly further than other buildings within the street, but this would not harm the established street pattern or rhythm, which incorporate the appeal site as an access point to the former industrial estate. On balance the proposal would accord with the aims of Policy DMHB 11.
10. The proposal therefore accords with Policy BE1 of the Council's Local Plan: Part 1 and Policy DMHB 11 of the Council's Local Plan: Part 2. These require, amongst other things, development to improve and maintain the quality of the built environment, which should harmonise with the local context
11. The Council's decision notice refers to Policy DMHB 12 of the Council's Local Plan: Part 2. This policy relates to streets and the public realm, but does not

appear to be relevant to the Council's reason for refusing planning permission. I do not find any conflict with this policy.

Other Matters

12. An interested party has objected to the proposal on account of its depth, claiming the proposal would result in overshadowing and overlooking and would impact on outlook from neighbouring properties. The Council have not raised any concerns in these regards, with their officer report finding no unacceptable harm to the living conditions of neighbouring residents. I have not been presented with any evidence to lead me to conclude otherwise.
13. Concerns have also been raised with regard to how the building could be constructed and maintained without accessing neighbouring properties. These would be issues to be addressed between the relevant land owners and do not lead me to conclude planning permission should be withheld. I also note concerns relating to how residents of the proposal would escape in case of fire due to the absence of any doors on the side elevations. Fire safety issues would be addressed through the Building Regulations and I have not been provided with any evidence to suggest the proposal could not be constructed to the appropriate standard in this regard.

Conditions

14. It is necessary to attach a condition requiring the commencement of development within the relevant timescale and a condition identifying the approved plans in the interests of clarity and enforcement.
15. The Council have provided a list of suggested conditions, which the appellant has agreed to, apart from the suggested condition prohibiting the erection of any garage, shed or other outbuilding. The Council's submissions confirm the size of the garden would exceed their minimum standards for a two-bedroom dwelling and I do not see any circumstances under which the erection of such a structure without prior approval from the Council could adversely affect the character of the area. The Planning Practice Guidance advises that conditions restricting the future use of permitted development rights may not pass the test of reasonableness or necessity and Paragraph 53 of the Framework advises against such conditions unless there is clear justification to do so. I do not therefore find this suggested condition to be reasonable or necessary in this instance.
16. However, on account of the confines of the site and the form of the proposed dwelling, I consider it reasonable and necessary to attach conditions prohibiting the erection of any extension or any roof alteration, or the installation of any window on the side elevations without prior consent from the Council. These conditions are necessary due to the specific circumstances of the site and proposed dwelling, which has been specifically designed for the site as an exception to the overriding character of the street, to prevent unacceptable harm to the character or appearance of the area and unacceptable levels of overlooking.
17. A condition requiring the retention of the car parking space for such purposes is necessary in the interests of highway and pedestrian safety, and a condition requiring the proposal to accord with optional requirement M4(2) of the

Building Regulations is necessary to ensure the dwelling is capable of being occupied by people with reduced mobility.

18. Notwithstanding the annotations on the approved plans, which lack sufficient detail, it is also necessary to attach a condition requiring the approval of external materials to be used to ensure the proposal is finished appropriate to the surrounding area.
19. A covered bicycle store is shown on the proposed site plan, but no further details have been provided. It is therefore necessary to attach a condition requiring further details of bicycle storage facilities to be approved by the Council prior to the commencement of development, to ensure they are of a design appropriate to the character of the area.

Conclusion

20. 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: DWC 17 07 P 06 A; DWC 19 01 P 07; DWC 19 01 P 08.
- 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 Hard Surfacing Materials
 - 2.b External Lighting
 3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 5) No development shall commence until details of 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 bicycle parking facilities shall thereafter be retained and kept available at all times for the parking of bicycles.
- 6) The dwelling shall not be first occupied until space has been laid out within the site in accordance with drawing no. DWC 17 07 P 06 A for one car to be parked and that space shall thereafter be kept available at all times for that purpose.
- 7) The dwelling shall not be first occupied until the Building Regulations Optional requirement M4(2) has been complied with.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings other than those expressly authorised by this permission shall be constructed on the north or south side elevations or roof slopes.

- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or roof alterations shall be constructed.