



Appeal Decision

Site Visit made on 21 June 2021

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021

Appeal Ref: APP/R5510/W/20/3258326

37A Coldharbour Lane, Hayes UB3 3EB

- 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 S Mohamed against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75349/APP/2020/171, dated 9 January 2020, was refused by notice dated 19 May 2020.
 - The development proposed is a first floor rear extension to convert the existing one bedroom flat into a two bedroom, three person flat and a new second floor level to create a two bed, three person flat.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, and after the appeal was lodged, the Mayor of London published the London Plan, March 2021 (LP). In the Council's decision notice, Policy 3.5 (and Table 3.3) of the London Plan, March 2016, is cited in reason for refusal No 3. This policy is now superseded by LP Policy D6 (and Table 3.1). The main parties have had an opportunity to comment on the LP. I have taken comments received into account and determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the appeal property and the wider area;
 - whether it would provide satisfactory living conditions for the future occupiers of both flats, with respect to single bedroom private internal space; and
 - its effect on the living conditions of the existing occupier of 35A Coldharbour Lane, having regard to outlook and daylight.

Reasons

Character and appearance

4. The appeal property is a one-bedroom first floor flat above a retail use. It is part of a terrace of buildings in similar commercial and residential uses in a local shopping parade which, on this side of Coldharbour Lane, are mostly

two-storey in scale and massing. The upper levels include brick, painted brick and rendered façades. The façade of the appeal property is brick and it includes raised brick courses around windows and as panels above. It has a tall, capped, brick parapet above, with a cornice, and a sloping roof behind which gives the appeal property an unusual (in its surrounding context) two and a half-storey scale and massing at the front in the streetscene. For these reasons, the appeal property is visually fine and locally distinctive.

5. The appeal proposal would demolish the parapet and sloping roof behind. The appeal property would be enlarged across its full width at the rear and would extend over the flat roof of the ground floor. A second storey to the same width and depth would be added above with a long, shallow pitched (almost flat) sloping roof behind a low parapet at the front. The first and second floor façade of the resulting building would be rendered and coloured white.
6. The proposed roof form and white rendered façade is characteristic of some other buildings in this terrace, including the three-storey building on one side of the appeal property. The front elevation windows would also reflect the pattern and arrangement of the first floor windows in the appeal property. However, and nonetheless, the appeal proposal would result in the total loss of the most distinguishing architectural features of the appeal property, to be replaced by an overtly uniform and bland aspect to the new façade of the upper floors. It would therefore fundamentally unduly alter, and substantially diminish, the intrinsic design quality of the appeal property.
7. The resulting main roof profile would match the taller flat roof and eaves level of the three-storey building on one side of the appeal property. However, the loss of the transitional step-down in roof level height at the appeal property would result in an abrupt drop in the height of built form down to the two-storey flat roof eaves level of the building on the other side. It would, in this sense, therefore, be a visually intrusive and dominant second floor and roof form. Moreover, the significantly increased scale and massing of the resulting building would be an unwarranted presence in the streetscene. In addition, it would detract from the prevailing two-storey building height on the appeal site side of Coldharbour Lane which otherwise provides an appreciable contrast and relief to the generally greater three-storey scale and massing of built form on the other side of this road.
8. Coldharbour Lane has a relatively straight alignment as it passes the appeal site. It is also reasonably wide, including wide pavements either side, and, at the time of my visit, in active retail and commercial use and a busy pedestrian thoroughfare. Consequently, the significant harm to the appeal property and to the streetscene that I refer to above would be unduly conspicuous in shorter distance public views from Coldharbour Lane facing the appeal site, and in longer distance views from this road in both directions.
9. Considering the above, I find that the development would cause significant harm to the character and appearance of the appeal property and to the wider area. It would not accord with Policy BE1 of the Hillingdon Local Plan Part 1 – Strategic Policies, November 2012 (LPP1) or with Policies DMHB11, DMHB12 and DMHD1 of the Hillingdon Local Plan Part 2 – Development Management Policies, January 2020 (LPP2). Amongst other things, these policies require development to take account of surrounding development considering height, mass and bulk, established rooflines, streetscape rhythm, respect the

architectural composition and quality of detailing, including features of the original building, and to protect features of positive value, enhance local distinctiveness, be appropriate in its townscape context and not dominate the street, including in views, and make a positive contribution to the area in terms of form, scale and materials.

10. It would also conflict with Framework paragraphs 124, 127(a), (b), (c) and (d) which include that development should create high quality, distinctive buildings and places that function well and add to the overall quality of the area, are visually attractive as a result of good architecture, sympathetic to local character, including the surrounding built environment, and create distinctive places to live, work and visit.

Living conditions – future occupiers

11. Each flat would include a single bedroom and the total floor areas of both flats would comply with the Government's 'Nationally Described Space Standard'¹ (NDSS), which the Council has adopted through LPP2 Policy DMHB16. By this means the Council seeks to ensure that new homes serve the practical and social needs of occupiers and avoid adverse impacts on health and well-being². This policy requires all housing development to comply with the NDSS and accordingly a single bedroom must provide a minimum of 7.5m² floor area³.
12. The Council considers that both single bedrooms would contain less than 7.5m² floor area but it has not quantified a specific figure. Nor has the appellant. The appellant's proposed floorplans⁴ show a single bed, a cupboard and an unmarked bedside unit in each bedroom (which might be a table, a cupboard or drawers). However, having regard to the dimensions shown in the proposed floorplans, and in the absence of any substantive evidence to the contrary, I am satisfied that both single bedrooms would nonetheless provide less than 7.5m² floor area. Consequently, these rooms would be deficient in useable floor area, including reasonable expectations for normal domestic activity and circulation. This living accommodation would therefore not comply with the NDSS and would as a result be sub-standard.
13. Considering the above, I find that the development would not provide satisfactory living conditions for the future occupiers of both proposed flats, with respect to single bedroom private internal space. It would not accord with LPP2 Policy DMHB16 or LP Policy D6. Amongst other things, these policies require all housing development to have adequate provision of internal space in order to provide an appropriate living environment and at least meet the minimum NDSS. It would also conflict with Framework paragraphs 127(a) and (f) which include that development should function well and create places with a high standard of amenity for future users.

Living conditions – existing occupier

14. The rear elevation of the appeal property is level with the rear elevation of 35A Coldharbour Lane, which is an adjoining first floor flat. The proposed two-storey rear extension to the appeal property would be reasonably long, at

¹ Technical housing standards – nationally described space standards, March 2015 - Department for Communities and Local Government

² LPP2 paragraph 5.58

³ Gross internal area

⁴ Drawing number PL/37CL/01, Jan 2020

about 3.5m externally (having regard to the proposed floorplans). The two-storey high, blank side elevation would run along the common property boundary, facing towards the nearest habitable room rear window (the window) in 35A Coldharbour Lane.

15. On the evidence before me, and what I saw at my site visit (including from inside the appeal property), a significant part of the extension would materially impinge across a 45-degree line of sight from the centre line of the window. The height, depth and proximity of the extension would therefore result in an overly dominant and overbearing built form. Consequently, it would be visually intrusive and unduly restrict views from the window to one side, in the direction of the appeal property. Moreover, for the same reasons, it would significantly overshadow the window from the same direction.
16. The appeal site is in a built-up urban area. There would still be perpendicular views from the window and a view in the other direction, away from the proposed extension, and light would be received into the window from both of these directions. However, the siting and size of the extension would nonetheless be such that it would have an inordinately noticeable and unacceptable detrimental affect on views and light. Accordingly, these circumstances would not provide satisfactory mitigation or compensation for the significant harm that would otherwise be caused to views and light.
17. Considering the above, I find that the development would not provide satisfactory living conditions for the existing occupier of 35A Coldharbour Lane, having regard to outlook and daylight. It would not accord with LPP2 Policies DMHB11 or DMHD1. In this case, these policies require that the extension should not adversely impact on amenity, including the daylight and sunlight of adjacent properties, or have an unacceptable loss of outlook to neighbouring occupiers, including that it should not extend into a 45-degree line of sight. It would also conflict with Framework paragraphs 127(a) and (f) which include that development should function well and create places with a high standard of amenity for existing users.

Other Matters

18. The appeal proposal would provide one additional new home and would meet the needs of occupiers who seek two bedroom accommodation, perhaps even first time buyers, as the appellant suggests. It would likely have a positive influence on encouraging regeneration of the local area and the appeal site is conveniently located for local services and facilities, including employment, public transport, schools and recreation. However, given the reasonably modest scale of development proposed, these benefits are limited and would not therefore outweigh or overcome the significant harm that I have identified in each of the main issues above.

Conclusion

19. For the reasons given above I conclude that the appeal does not succeed.

Robin Buchanan

INSPECTOR