



Appeal Decision

Site Visit made on 19 October 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/R5510/W/21/3279540

56 Eastcote Road, Ruislip HA4 8DH

- 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 Umar Zazai, MJD Architecture, against the decision of London Borough of Hillingdon.
 - The application Ref: 11654/APP/2021/1406, dated 8 April 2021, was refused by notice dated 28 May 2021.
 - The development proposed is described as, 'demolish existing side garage, split existing side and rear gardens into two plots and build a new, 3 bed 5 person house.'
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Decision

1. The appeal is dismissed.

Preliminary Issue

2. When on site I observed that the side garage has been demolished. I have therefore determined the appeal on the basis that the proposed development, as described, has in part already occurred, having regard to the plans submitted with the application.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and the area;
 - The effect of the proposed development on the living conditions of occupiers of the adjacent property, No 56 Eastcote Road, with regard to outlook and light; and
 - Whether the proposed development would provide adequate living conditions for future occupiers, with regard to internal space provision in bedroom No 3.

Reasons

Character and appearance

4. The appeal site forms part of the very large domestic curtilage of the host property, No 56 Eastcote Road (No 56), which is a semi-detached, two-storey house. The garden at the side and rear of No 56 is mostly grassed and is enclosed by a high, close-boarded, timber fence.

5. Development along Eastcote Road is predominantly characterised by regularly spaced, medium to large, two-storey, detached and semi-detached houses, of a variety of designs and materials, which are situated within generous mature gardens. The properties are set back from the adjacent highway, with those on the southern side, including No 56, also positioned slightly above the level of the road. These traits generate an informal, but generally consistent, building line. Whilst some of the properties are positioned at a slight angle within their plots, they all possess strong frontages to Eastcote Road. The characteristics outlined above, all of which are exemplified by No 56 and its domestic curtilage, contribute to the local distinctiveness of the area.
6. The proposed development involves the subdivision of the existing garden of No 56 and the erection of a detached, two-storey, three-bedroom dwelling with associated parking. The new house would be constructed of bricks with a tiled roof and access would be gained direct from Eastcote Road.
7. The subdivision of the existing site into two smaller plots would retain areas of private outdoor amenity space for No 56 and the new dwelling which would meet the requirements of Policy DMHB 18 of the London Borough of Hillingdon Local Plan: Part 2, 2020 (HLP-P2). However, it would significantly reduce the very generous nature of No 56's existing garden space and adversely undermine a positive attribute of the appeal site.
8. Moreover, the introduction of substantial built form, set back within such a contrived space, would adversely disrupt the streetscape rhythm and the, mostly uniform, building line of development along this side of the street. In these regards, the new dwelling would be out of keeping with the spatial characteristics and general pattern of development of the area. In addition, the relatively narrow frontage of the new property would be entirely contrary to the strong principal elevations of the majority of houses nearby.
9. I acknowledge that, by virtue of it being a moderately sized, two-storey, detached family home, the new dwelling would conform to the basic characteristics of residential development within the area. Additionally, the proposed materials and joinery details would not offend. However, overall, the building would appear as a cramped and overly intensive form of development within the site, of a form and design which would be wholly discordant within the site and in the street scene. It would not emulate the area's general quality of residential built form. Nor would it reflect or make a positive contribution to the neighbourhood's identified local character and distinctiveness.
10. Given the elevated level of the site and the size and scale of the proposed building, the development and its incongruity within the street scene would be unduly conspicuous and readily apparent when viewed from the busy public route of Eastcote Road.
11. Accordingly, I conclude that the proposed development would have a harmful effect on the character and appearance of the site and the area. This would be contrary to Policy BE1 of the London Borough of Hillingdon Local Plan: Part 1 - Strategic Policies, 2012 (HLP-P1) and Policies DMHB 11 and DMHB 12 of the HLP-P2, in so far as they require new development to maintain and improve the quality of the built environment; be of a high design quality; and harmonise and be well integrated with the local context. It would also not comply with Policies D3, D4 and D6 of the London Plan 2021 (LP 2021) and guidance within The London Plan Housing Supplementary Planning Guidance,

2016 (the London Plan Housing SPG) with regard to the design and quality of new development and housing.

12. From my observations on site, there were no landscape features or trees which the proposed development would affect. Furthermore, were I minded to allow the appeal, any new or additional landscaping could be secured by the imposition of an appropriately worded condition. On this basis, I find no conflict with Policy DMHB 14 of the HLP-P2 in so far as it requires all developments to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit. However, a lack of harm in this regard weighs neutrally and does not amount to a consideration in support of the appeal.

Living conditions of occupiers of No 56 Eastcote Road

13. The proposed dwelling would be set back from the front building line of and at an angle to No 56, which would provide some separation between the properties. In addition, a satisfactory level of private outdoor amenity space would be retained for occupiers of No 56 and provided for future occupiers of the new property.
14. Nonetheless, the new building would be sited in very close proximity to the shared boundary with No 56 that would be created by the subdivision of the existing garden. This negligible separation from the common boundary, combined with the new building's substantial height, length and massing, would cause it to be an excessively overbearing, oppressive and visually obtrusive form of development when viewed from the rear windows of habitable rooms and part of the garden of No 56. In these regard's, it would create an uncomfortable sense of enclosure within these spaces and significantly harm the outlook of occupiers of No 56. This harm would not be sufficiently mitigated by the separation distances between the properties, the angle of the windows of No 56 or the hipped profile of the new dwelling's roof.
15. I am mindful of the southerly orientation of the buildings. Nevertheless, it is apparent that when applying the 45 degree rule, the proposed development would result in a level of overshadowing which would noticeably reduce the amount of light received through a rear window into, what is contended by the Council to be, a habitable room. Even if I were to accept that the room is a bathroom as indicated on drawing ref: 1556.A2.PL01, the new dwelling's position within the site, in conjunction with its considerable height, length and massing, would still result in the harmful overshadowing and loss of light to part of the rear private outdoor amenity space of No 56. This would lessen the enjoyment of this space by occupiers of No 56.
16. Drawing the above together, I conclude that the proposed development would have a harmful effect on the living conditions of occupiers of the adjacent property, No 56 Eastcote Road, with regard to outlook and light. This would be contrary to Policy DMHB 11 of the HLP-P2 in so far as it requires that development proposals should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.

Living conditions for future occupiers – bedroom No 3

17. The proposed development would provide only about 5.54m² gross internal floor area within bedroom No 3. As such, it would markedly fail to meet the minimum requirement of 7.5m² gross internal floor area for a one bedspace

single bedroom. This would result in a cramped and claustrophobic environment in bedroom No 3, which would not be of a high quality and would not provide satisfactory living conditions for future occupiers.

18. Whilst the size of bedroom No 3 may be consistent with the size of the third bedroom within No 56 and other dwellings in the area, this does not justify the acceptance of sub-standard accommodation and the consequent harm.
19. To conclude on this issue, the proposed development would not provide adequate living conditions for future occupiers, with regard to internal space provision in bedroom No 3. This would be contrary to Policy DMHB 16 of the HLP-P2; Policy D6 of the LP 2021; The London Plan Housing SPG; and the Technical Housing Standards - Nationally Described Space Standard, 2015, with regard to the quality of new housing and the provision of internal space.
20. The Council cites the proposed development's lack of compliance with Table 3.1 of the LP 2021. However, from the evidence before me, the proposal meets the requirements in terms of minimum internal space standards for new dwellings. It is therefore not pertinent to this main issue.

Planning Balance

21. The Government's objective is to significantly boost the supply of housing, including through the development of windfall sites and infill development. A three bedroomed house in an established residential area with easy access to services and facilities such as this would contribute to the housing need within the locale. It would also generate economic and social benefits from its construction and occupation. These benefits would be tempered by the scale of the development, but still carry modest weight in favour of the appeal. In addition, there would be no harm in terms of trees and landscaping. However, the absence of harm in this regard is a neutral consideration.
22. Conversely, the proposed development would cause harm to the character and appearance of the site and area; the living conditions of occupiers of No 56; and the living conditions of future occupiers of the new dwelling. These matters attract significant weight against the appeal and demonstrably outweigh the modest weight attributed to the benefits which the proposed development would deliver.

Conclusion

23. The proposed development would be contrary to the development plan taken as a whole and there are no other material considerations, including the Framework, which indicate that the decision should be made other than in accordance with the development plan.
24. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR