



Appeal Decision

Site visit made on 22 February 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 March 2022

Appeal Ref: APP/R5510/W/21/3285277

114 Royal Lane, Uxbridge UB8 3QY

- 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 Luka Mariglen against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76468/APP/2021/2134, dated 26 May 2021, was refused by notice dated 3 August 2021.
 - The development proposed is described as 'subdivide of existing property to a accommodate a new dwelling and to existing dwelling a rear ground floor extension and loft conversion'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the development would provide the occupants of the new dwelling with suitable living conditions, with particular regard to garden space;
 - Whether the development would make suitable provision for parking;
 - Whether the development would be accessible and inclusive for all users; and
 - The effect of the development on the character and appearance of the host building and surrounding area.

Reasons

Living conditions/garden space

3. Policy DMHB18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (the DMP) requires all new residential development to provide good quality and useable private outdoor amenity space. It sets out that the minimum private garden space standard for a 3-bed property is 60m². Consideration will also be given to the quality of the space, including matters such as the shape, position, enclosure and the daylight/sunlight it receives.
4. The area to the front and side of the new dwelling would largely be given over to parking, turning and bin storage, so could not be relied on as usable garden space. There would be private garden space at the rear. However, at approximately 42m² in area, this provision falls significantly short of the required minimum standard. Moreover, a large proportion of this garden space

would be narrow and constrained as a result of the tapering shape of the site and enclosure from boundary fencing. It would also likely experience significant overshadowing from the southern boundary fence. This would not represent usable, good quality external amenity space for a family dwelling. The proximity of public open spaces and parks is noted, but does not compensate for the wholly substandard private garden space provision in the development.

5. I therefore conclude, on this issue, that the development would not provide the occupants of the new dwelling with suitable living conditions, having particular regard to garden space. Thus, the proposal conflicts with the requirements of Policy DMHB18 of the DMP.

Parking

6. Policy DMT6 of the DMP requires all development proposals to comply with the adopted local parking standards that are incorporated into the Policy, although the standards can be varied if it would not adversely impact on street parking, congestion or local amenity. In this case, the parking requirement for both the existing (No 114) and proposed dwellings is two on-plot spaces each.
7. The proposed dwelling would utilise the existing access and there would be sufficient space within the site for two vehicles to park and turn. The acceptability of this element of the scheme is not in dispute. Rather, it is the parking for No 114 which is the concern.
8. The drawings show two new on-site parking spaces would be created at the front of No 114 to compensate for the loss of its existing spaces. The appellant contends that the dimensions of these parking spaces complies with the adopted standards. However, there would be very limited circulation space in front of the cars, which fails to meet the parking standards in relation to wheelchair access. It is also likely to be impractical generally in terms of accessing the front door, particularly with a pram, or with shopping. Whilst it may be possible to position one car suitably within this area, this would not comply with the parking standards, and would likely result in at least one car being displaced onto the road in an area which is within a controlled parking zone (CPZ) and has a very limited number of on-street parking bays. Furthermore, in order to gain access to the proposed parking spaces it would be necessary to construct a new crossover. This would result in the loss of more than one of the on-street parking bays outside the site, thereby further impacting on the CPZ in this regard.
9. The appellant states that no evidence has been provided that the area suffers from parking stress, but equally, I have no evidence that it does not. A CPZ is usually an area where there is more demand for parking than there are spaces. Indeed, there are a number of large medical and community facilities along this part of Royal Lane, including a hospital, school, and community hall, which are all likely to create some demand for the limited number of on-street parking bays at different times of the day and night. As the proposal would further increase the demand and competition for a fewer number of on-street parking spaces in the CPZ, it would, in my view, have an adverse impact on street parking, congestion and general local amenity, such that a variation of the adopted parking standards is not justified in this case.

10. I therefore conclude, on this issue, that the development, when considered as a whole, would not make suitable provision for parking, which conflicts with the requirements of Policy DMT6 of the DMP, as stated.

Accessibility/inclusivity

11. Policy DMHB11 of the DMP requires, among other things, that the internal design and layout of development is adaptable to different activities. In addition, Policies D5 and D7 of the London Plan 2021 (the LP) seek the highest standards of accessible and inclusive design, including that new dwellings meet the Building Regulation requirements under Part M for accessible and adaptable dwellings.
12. There is no dispute that the proposed dwelling would require various amendments to achieve compliance with the above Policies. This includes the need for step-free access and some internal changes.
13. I have considered the appellant's suggestion that these matters, which might include a ramped access, could be addressed by a condition. However, a ramped access would have potential implications for the external appearance of the development and parking layout, so is not a matter which could be left to a condition.
14. I have also set out above that the parking spaces for No 114 would not meet the adopted parking standards in relation to wheelchair access, and given the limited space available, there is no reasonable prospect of compliance being achieved under the current scheme.
15. I therefore conclude, on this issue, that the development would not be accessible and inclusive for all users, which conflicts with the requirements of Policy DMHB11 of the DMP and Policies D5 and D7 of the LP, as stated.

Character and appearance

16. The Council has sought to apply its householder extensions policy DMHD1 to the design of the proposed dwelling, suggesting that it should be set back from the front of No 114. Notwithstanding this is a misapplication of policy, I do not consider it appropriate for the development to be made to appear subservient to No 114 in design terms, as to do so would result in a visually inferior and incongruous form of dwelling. Instead, by designing the development to replicate a short symmetrical terrace, it would be in keeping with the many examples of short terraces found along Royal Lane, including the neighbouring terraced houses immediately to the south.
17. There is currently a wide gap between No 114 and the neighbouring terraced houses, which is accentuated by the splayed alignment of the terrace. Although this gap would be reduced by the development, it would still be commensurate with the separation gaps found elsewhere along the street. Consequently, the proposal would not amount to excessive infilling and the loss of the gap, as has been suggested by the Council.
18. The Council has also raised a concern regarding the relationship of the development with the building line of the neighbouring terrace. However, the terraced houses are on a completely different alignment to No 114 and the other semi-detached houses in the row. Of more importance is that the development would not disrupt the front building line of the row of houses it

would be aligned to. For all these reasons, I am satisfied that the proposed dwelling would not harm the character or appearance of the existing building or street scene.

19. In terms of the alterations to the rear of No 114, it is only the dormer that features in the Council's refusal reasons. I agree that the dormer would be a bulky addition to the roof. However, as it would be confined to the rear and placed centrally within the extended roof, its effect on the street scene would be minimal. I have also taken into account other similar dormers in the immediate area. I therefore find this element of the scheme acceptable.
20. I conclude, on this issue, that the development would not cause harm to the character or appearance of the host building and surrounding area. In this regard, the proposals comply with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policy DMHB11 of the DMP, and Policies D3 and D4 of the LP, which among other things, require development to incorporate principles of good design including harmonising with the local context. The dormer and rear extension also comply with Policy DMHD1 of the DMP in these respects. However, this does not outweigh the harm I have found in relation to the other main issues.

Conclusion

21. For the reasons set out above, the proposal gives rise to significant conflicts with the contents of the development plan relating to garden space, parking and inclusive design. Although it would bring with it some benefits in the form of providing a new home, I consider that these are far outweighed by its negative aspects. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR