



Appeal Decision

Site visit made on 6 June 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2022

Appeal Ref: APP/R5510/W/22/3296173

16 Swanage Waye, Hayes UB4 0NX

- 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 Sohail Khan against the decision of London Borough of Hillingdon.
 - The application Ref 27066/APP/2020/3930, dated 28 November 2020, was refused by notice dated 24 February 2022.
 - The development proposed is part two storey, part single storey side/rear extension, a hip to gable conversion, a rear dormer extension and 3 x front roof lights, a single storey front extension and front canopies and conversion of the dwelling into two x two-bedroom flats, including the installation of a new vehicle crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, it appeared that construction works had been undertaken to the appeal property.
3. The appellant states that the proposal subject of this appeal should only relate to the conversion of the dwelling into a 1 x 2 bed flat at ground floor and a 1 x 2 bed flat at first and second (loft) floors. The appellant indicates that several applications were approved for other works to the property including a lawful development application¹ for the loft conversion. However, insufficient evidence has been provided on these other applications and therefore I cannot be sure that the works that have been undertaken to the appeal property reflect what has been approved in these other applications. Furthermore, the Council have indicated that the development implemented at the site is not in accordance with approved permissions.
4. The submitted documents include existing and proposed plans which differ and clearly indicate alterations to the appeal property. From the evidence before me, my assessment of this appeal will include the conversion of the property to flats and the alterations shown on the proposed plans. Therefore, in terms of clarity, I have used the description of development from the Council's decision notice.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the appeal building and surrounding area; the effect of the proposal on living

¹ Reference Number: 27066/APP/2019/1936

conditions of future occupiers of the proposal with regards to outlook, privacy, amenity space, noise and disturbance; the effect of the proposals on flooding; and whether the proposal would contribute to local housing need.

Reasons

Character and appearance

6. The area surrounding the appeal property is characterised predominantly by residential properties of traditional styles and detailing. The built form, including roofscapes, in the area are simple and uniformed that provide a harmonising appearance to the street scene. It is this simple built form that contributes to the character of the surrounding area.
7. The proposed alterations to the front elevation, including a front canopy, appear as intrusive additions given the scale and positioning and are not in keeping with the architectural style of surrounding properties. The use of materials also differs from surrounding properties and appears discordant within this setting.
8. The proposed roof form of the main building, given its massing and design appear obtrusive. The awkward arrangement where the roof of the side and rear first floor extension meets the main roof and the dormer addition is not sympathetic to the simple uniformed roof styles of the surrounding area.
9. Due to the design, materials and scale of the proposed alterations, they do not harmonise with the architectural elements of the surrounding properties.
10. Accordingly, the proposals have a harmful effect on the character and appearance of the appeal building and surrounding area. The proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (HLPSP) and Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (HLPDMP), Policies D1, D3 and D4 of the London Plan (LP) and the National Planning Policy Framework (the Framework) which seeks development to achieve high quality design in all new buildings, alterations and extensions.

Living conditions

11. Whilst the window arrangements do not alter significantly, the proposal would introduce car parking immediately adjacent to the living room and bedroom 1 of the ground floor flat. Vehicles parked directly adjacent these windows would restrict views and compromise outlook for occupiers of the ground floor flat.
12. The car parking space immediately adjacent the ground floor flat living room is noted as parking for the upper floor flat. The close proximity of this space to the living room window would result in occupants and visitors of the upper floor flat having direct views into the living room window of the ground floor flat which would compromise privacy of the occupants of this room. General coming and goings of vehicles to the upper floor flat car park would also create noise and disturbance to the occupants of the living room.
13. There is no indication of whether the rear garden area would be communal space for both flats to use. If this area was to be used by occupants of the upper floor flat then this would have adverse effects on the living conditions of

the occupants of bedroom 2 of the ground floor flat in terms of privacy, as the window to this bedroom directly overlooks the rear garden area.

14. There is no indication that the rear garden area is to be divided between the proposed flats and if this area is not to be a communal space then this would result in one of the flats having little outdoor private amenity space. Whilst the rooms of the proposed flats are acceptable in terms of sizes, the requirement for outdoor space is important for the enjoyment of a property. The lack of outdoor space for one of the flats would result in an oppressive environment that would compromise the living standards of its occupiers.
15. The proposal would have a harmful effect on the living conditions of occupiers of the flats in terms of outlook, privacy, amenity space, noise and disturbance. The proposal fails to comply with Policies DMHB 15 and DMHB 16 of the HLPDMP, Policy D6 of the LP and the Framework which seeks development to deliver high quality design and housing standards to deliver appropriate living environment.

Flooding

16. A Flood Risk Assessment (FRA) has been submitted which states that the proposal lies within a Flood Zone 2. The FRA further states that a sequential test is not required as the proposed development is classified as 'minor development'. A change of use which creates an additional residential unit does not fall within the criteria detailed in paragraph 046 of the Planning Practice Guidance (PPG), therefore the proposal is not minor development.
17. The PPG states that it is for an applicant to show that a change of use meets the objectives of the Frameworks policy on flood risk. As the FRA is incorrect in its classification of the proposed development and the number of residential units at the site would be increasing, I am not satisfied that the proposal has been adequately assessed in relation to flood risk and its effect on the proposal and future occupiers.
18. From the evidence before me, I am not satisfied that it has been demonstrated that the proposal would not have a harmful effect on future occupiers of the appeal property. The proposal would be contrary to Policy EM6 of the HLPSP, Policy DMEI 9 of the HLPDMP, Policy SI 12 of the LP and the Framework which seeks proposals to be directed away from Flood Zones 2 and that flood risk is minimised and mitigated.

Local housing need

19. The proposal would result in the loss of a four bedroom property that is suitable for family living, to be replaced by two flats which each have two bedrooms. Whilst the appellant considers that two bedroom flats would be appropriate for family living, little evidence has been submitted to indicate that there is a housing need in this location for two bedroom flats for families. The proposal would result in the loss of a large family sized house with insufficient justification for this loss.
20. The proposal would have a harmful effect on local housing need in the area. The proposal would be contrary to Policies DMH 1 and DMH 2 of the HLPDMP which seeks to safeguard existing housing and provide a mix of housing that reflect housing need.

21. The Council have indicated that the internal floor space of the original appeal property was below 120 square metres prior to the alterations, which the Council contend are unauthorised. The appellant has not commented in detail on the claims that the alterations are unauthorised however, if they are unauthorised, then the proposal would conflict with criteria iii) of Policy DMH 4 of the HLPDMP.

Other Matters

22. The appeal site is located close to shops, facilities and services and the location has been described by the appellant as a place where people want to live. It is also noted that the proposal would bring increased council and income tax. Due to the scale of the proposal, I attribute minimal weight to these benefits, and these would not outweigh the harm I have identified above.
23. The appellant has been critical of the Council, describing unprofessional behaviour, delays in a decision, lack of opportunity to discuss or amend proposal and additional fees relating to vehicle crossover. These matters however, do not alter my findings on the planning merits of the main issues of this appeal.

Conclusion

24. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
25. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR