



Appeal Decision

Site visit made on 7 July 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/R5510/W/22/3297135

99 Woodstock Gardens, Hayes UB4 8BA

- 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 Jit Sahota against the decision of London Borough of Hillingdon.
 - The application Ref 28435/APP/2021/3716, dated 28 September 2021, was refused by notice dated 17 December 2021.
 - The development proposed is a two-storey side/rear extension and its conversion into a self-contained dwelling with associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have amended the description of development to remove reference to retention because this is not development. I saw at the site visit that the development has been carried out and that the property is currently occupied as a dwelling.
3. I note that planning permission has been granted for an extension to the property, but it is not at dispute between the parties that the appeal scheme has not been built in accordance with that consent. This planning permission I nonetheless a material consideration and I have had due regard to it in reaching my decision.
4. The appellant has submitted an amended plan¹, showing adjustments to the internal layout, amendments to the outside space to show 2 cars in the front garden of the 99 Woodstock Gardens and the rear garden has been subdivided to create some external space to the rear of the site for the occupiers of the appeal property.
5. The Procedural Guide: Planning Appeals – England clearly advises that the appeal process should not be used to evolve a scheme and “if an applicant thinks that amending their application proposals will overcome the local planning authority’s reasons for refusal they should normally make a fresh planning application”.
6. The changes appear to be minor in nature but go to the heart of the issues raised at this appeal. The amended plan has not been subject to public consultation through the application process and with regards fairness and

¹ drawing no. 02 dated march '22

natural justice and having regard to the Wheatcroft principles, in light of the key nature of the amendments I consider that the Council or other interested parties would be prejudiced if I considered the amended plan. Thus, my findings relate to the plans on which the application was determined.

Main Issues

7. The main issues are the effect of the development on:

- i. the character and appearance of the appeal dwelling and the local area
- ii. the living conditions of the occupiers of the appeal property with regards the quality and size of the internal living space and external space.
- iii. Highway safety with particular regards to car parking.

Reasons

Character and appearance

8. Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012) (the LP1) Policy DMHB 1, 11 and 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (the LP2) amongst other matters seek that new development is of a high standard of design and contributes positively to the distinctiveness and character and appearance of the area.
9. The appeal property is located on the end of a short terrace of properties at the junction of Woodrow Avenue and Woodstock Gardens. I saw at the site visit that other properties on the terrace had been extended and thus the symmetry of the short terrace has been lost, I also saw that properties in similar situations else where had also been extended in a variety of fashions.
10. The appeal property is a continuation, in ridge and eaves height, of the other properties in the short terrace, the Council has referred to the absence of any set back from the front elevation and down in ridge height that would have ensured that the extension appears subservient to the host property.
11. Nonetheless as a result of the narrow width of the extension and the similarity in size and scale to the adjacent property on the corner of Woodstock Gardens and Lansbury Drive and because the appeal scheme is for a new separate dwelling, I am satisfied that the appeal scheme does not harm the character and appearance of the appeal dwelling and the local area and thus is not contrary to Policy BE1 of the LP1 and Policies DMHB 1, 11 and 12 of the LP2.

Living conditions

12. The appellant's statement of case details that the appeal dwelling provides 61m² of internal space. Policy D6 and Table 3.1 of the London Plan sets detailed space standards for internal space, being 58m² for a 1 bedroom 2 person dwelling and 70m² for a 2 bedroom 3 person dwelling.
13. I saw at the site visit and the plans show the smaller first floor room as being used as an office. Nonetheless by virtue of the size of the room, being 9.9 m² as detailed in the Officer's report, the Council maintains that the space could be used as a single bedroom and on the basis of the evidence before me and my observations on site, I agree.

14. Consequently, as a two bedroom 3 person property, the appeal scheme falls short of the requirements of Policy D6. The appellant's suggestion that the room could be reduced in size by the subdivision of the room to create a storeroom and thus reduce the size of the room such that it would not longer be usable as a bedroom appears as a contrived attempt to circumvent the provisions of the Local Plan that seek to protect the living conditions of future occupiers.
15. Turning to outside space, the appeal scheme does not provide any outside space to the rear of the property. I saw at the site visit that all of the outside space to the side and front of the property is open to and visible from the street and would also provide off street carparking, bin storage and bike storage.
16. Furthermore, there is some dispute between the parties as to the dimensions of the outside space and while the plans are annotated detailing the size of the spaces but no reference is made as to how this figure was reached. Therefore I find that, for the reasons detailed above, it has not been demonstrated that the appeal scheme would provide adequate outdoor space.
17. To conclude this main issue, it has not been demonstrated that the appeal scheme would provide adequate living conditions for the occupiers of the appeal property and thus the appeal scheme is contrary to Policy D6 of the London Plan and Policy DMHB of the LP2 that seeks, amongst other matters, to protect the living conditions of the occupiers of new dwellings

Car parking

18. The appeal scheme would result in the creation of a new dwelling, and thus the additional parking demand of the occupiers of the appeal dwelling. The submitted plans show a single car parked on the appeal site.
19. The Council details that the appeal site is in outer London and has a PTAL rating of 2 and as such the maximum car parking standards set out in London Plan Policy T6 and Table 10.3, acknowledged as being the relevant policy, is up to 0.75 spaces per 1-2 bed properties. As such the carparking of the appeal scheme falls short of the maximum standard of 1.5 spaces, being 0.75 spaces each for the appeal property and No.99.
20. I saw at the site visit, undertaken in the afternoon of a typical weekday, that there was some on street carparking in the local area but I have no substantive evidence before me to suggest that the failure to provide a second car parking space, for No.99, results in an unacceptable impact on highway safety or that the appeal scheme has resulted in severe residual cumulative impacts on the road network, as referred to by the National Planning Policy Framework.
21. I note that no cycle parking has been provided as part of the appeal scheme, I am satisfied that appropriate provision of such could be secured by a suitably worded condition attached to any planning permission resulting from this appeal.
22. Therefore it is my planning judgement that the provision of a single car parking space, while acknowledging that the appeal scheme results in the loss of car parking for the attached property from which the appeal dwelling is created from, is not in conflict with Policy T6 of the London Plan.

Other Matters

23. The appeal scheme would provide an additional dwelling in an established and accessible area, including with access to outside open space such parks and playgrounds, and services and facilities in the local area. this is a material consideration that weighs in favour of the appeal scheme but does not outweigh the harm I have identified previously.

Conclusion

24. I not found harm in respect of character and appearance and highway safety, the absence of harm in this regard and the other material considerations referred to above does not however outweigh the harm I have identified in respect of the living conditions of future occupiers. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR