

Appeal Decision

Site visit made on 9 September 2024

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 September 2024

Appeal Ref: APP/R5510/W/24/3341084

352a West End Road, Ruislip HA4 6RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Joanna Jacobs against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 76418/APP/2023/3617.
 - The development proposed is the erection of single-storey 2-bedroom dwelling with off-street parking for one car.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. As part of the appeal amended plans were submitted. Established case law¹ states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal. The main difference in the amended plans is in relation to the ground floor plan which shows a green wall within the courtyard, adjacent to bedroom 2. As this does not represent a substantial difference or fundamental change, there would be no unfairness to any interested parties. I have therefore accepted the amended plans.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and;
 - the living conditions of future occupiers with particular regard to outlook, space and accessibility.

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)

Reasons

Character and appearance

4. The appeal site is in a backland location accessed via a narrow lane between residential properties. It currently comprises of hardstanding and garages located to the rear of existing two storey semi-detached properties that front West End Road in an established residential area. To the rear of the site are the rear gardens of bungalows which front Wingfield Way. The appeal site is currently in an overgrown state.
5. The existing buildings on the site comprise a single garage with canopy and two further garages at the southeast end of the site, modest in scale. These will be demolished. The plot is heavily constrained with boundaries to all sides and an existing garage to the north, which would remain.
6. I did not observe any examples of residential backland development within the vicinity of the appeal site. Residential properties have an active street frontage, facing the road within spacious rectangular plots and positioned side-by-side. This grain of residential development defines and contributes positively to the character and appearance of the area. A number of properties have outbuildings but these are small in scale.
7. The proposed single-storey dwelling with a flat roof and timber cladding, would replace existing built form and I note the appellant has taken on board pre-application advice. Whilst the overall footprint of built form within the site would not significantly increase, the existing garages are separate and dispersed throughout the site, modest in size. The proposal would be positioned very close to the rear boundary shared with neighbouring properties and in close proximity to the garage sited to the north, with minimal visual break between the two. The proposal would result in the built form being consolidated and thus would appear more substantive than the existing arrangement.
8. Consequently, given the relatively limited plot size and its positioning the proposed dwelling would appear cramped within its setting and it would represent a departure from the prevailing pattern of residential development. As such, I find that the proposal would appear incongruous and out-of-keeping with its surroundings. Whilst not visible from the public realm it would be seen from neighbouring properties that surround the site.
9. Concluding on this issue, the proposed development would have a harmful effect on the character and appearance of the area. It would conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012). This requires development to make a positive contribution in terms of layout, form and scale appropriate to the context of the area. It would also conflict with Policies DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) (DMP). Collectively these seek development which harmonises with the local context and to integrate with the surrounding area. It would conflict with Policy D3 of the London Plan (2021) (LP) which has similar aims. It would also conflict with paragraph 135 of the National Planning Policy Framework (the Framework), which deals with design, and amongst other things, requires development to respond to and respect its surroundings.

10. Policy D4 and D6 of the LP have been cited on the decision notice in regard to this main issue. Policy D6 is related to housing quality and standards and Policy D4 is concerned with strategic design review and analysis, as such I have not found these be determinative in this case.

Living conditions

11. Bedroom 2 has a rooflight and large window. The large window would face directly on to a wall, with little opportunity for longer and more outward looking views. I am not persuaded that the addition of planting to the wall would sufficiently mitigate against the limited outlook. It would still remain in very close proximity and would not in my view, provide a satisfactory outlook, to the detriment of future occupiers of this bedroom.
12. Bedroom 1 would directly overlook the refuse and parking area. The refuse bins could be stored inside containers or moved elsewhere within the site. Subject to a suitably worded condition, I do not find the bins unacceptable. However, although the boundary is set further away than bedroom 2 it is still in relatively close proximity to the window. This, along with the close proximity to a parked vehicle would not provide a pleasant outlook, irrespective of this being in the appellants ownership.
13. Whilst the proposed skylights would provide good levels of natural light in the bedrooms and the living area would provide a sufficient outlook to the garden, I do not consider that this sufficiently mitigates the poor outlook within the bedrooms.
14. The Council's reasons for refusal includes reference to the lack of step-free access and concern about whether the proposed development would be constructed to the standards set out in M4(2) of the approved Document M to the Building Regulations. I have reviewed the submitted cross-section plan (A1.5) detailed on the decision notice and find that this does show step-free access would be provided to the property.
15. Particular concern has been raised regarding the arrangement of the bathroom in relation to the forementioned building regulations. I note that diagram 2.7 of the regulations provides an example layout. Given the size of the bathroom, I am satisfied that the bathroom could be configured to have an acceptable arrangement. A suitably worded condition could be imposed to secure compliance of the building with Part M4(2) of the building regulations, as suggested by Policy D7 of the LP. A condition I note the Council have suggested should the appeal be allowed.
16. I note there is discrepancy between the parties as to the amount of internal space provided and whether it meets the Nationally Described Space Standards of 61 square metres for a single-storey, two bedroom, three person dwelling. The Appellant has stated that the proposal has a gross internal floor area of 61.49 square metres. They have included a screenshot from the design software. I have no other substantive evidence to dispute this figure. Based on the evidence, I consider the proposal does meet the necessary space standards. It thus accords with Policy D6 of the LP.
17. Concluding on this issue, I have found the proposal would not harm the living conditions of future occupiers in relation to accessibility and space. It

would therefore accord with Policy D6 and D7 of the LP in so far as relevant to these matters. However, it would not provide a satisfactory outlook from the bedrooms which would be detrimental to future occupiers living conditions. As such it would conflict with Policy D6 of the LP which requires high quality housing with a comfortable layout. It would also conflict with the Framework which requires a high standard of amenity for future occupiers.

18. The decision notice references Policy DMHB 15 of the DMP in relation to this issue, however as this is concerned with safety and security, I do not find it determinative on this main issue.

Other Matters

19. Whilst the appeal site is currently overgrown and the proposal would make an efficient use of the land, this is not a persuasive reason to introduce a form of development that would be at odds with the surrounding area and would be harmful to the prevailing character and appearance. The appellant has suggested anti-social behaviour may occur at the site. However, there is no substantive evidence to support this and, in any case, I am not persuaded that the proposal would be the only means of curtailing such behaviour. Therefore, these matters do not outweigh the harm that I have identified in respect of the main issues. My conclusions on the proposed development do not therefore change.
20. The proposal would provide parking for 1 vehicle and would not exacerbate congestion or parking stress and I note that the highways officer raised no concerns in this regard. Given the single-storey nature of the proposal and the separation distances from surrounding properties, I am satisfied that it would not have a detrimental impact on living conditions of neighbouring occupiers. However, an absence of harm in respect of these are neutral matters.

Conclusion

21. Whilst the proposal would not harm the living conditions of future occupiers in relation to accessibility and space, it would not provide satisfactory outlook from the bedrooms. Furthermore, I have found the proposal would be at odds with the character and appearance of the area.
22. Accordingly, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR