



Appeal Decision

Site visit made on 11 March 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2025

Appeal Ref: **APP/R5510/W/24/3355041**

1-3 Haystall Close, Hayes, Hillingdon, UB4 8LE.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr G Singh against the decision of the London Borough of Hillingdon Council.
 - The application Ref is 30461/APP/2024/456.
 - The appeal sought planning permission for demolition of existing 2 semi-detached (5-bedroom) houses and erection of 4 x semi-detached (3-bedroom) houses with associated parking and amenity space, without complying with a condition attached to planning permission Ref 30461/APP/2021/1248, dated 7 July 2021.
 - The condition in dispute is No 2, which states that: *The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers: 1-3HC/01032021/REV-B-1/3, 1-3HC/01032021/REV-B-2/3 and 1-3HC/01032021/REV-B-3/3 and shall thereafter be retained/maintained for as long as the development remains in existence.*
 - The reason given for the condition is: *To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).*
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing 2 semi-detached (5-bedroom) houses and erection of 4 x semi-detached (3-bedroom) houses with associated parking and amenity space, at 1-3 Haystall Close, Hayes, Hillingdon, UB4 8LE, in accordance with the application, Ref 30461/APP/2024/456, without compliance with Condition No 2 previously imposed on planning permission Ref 30461/APP/2021/1248, dated 7 July 2021, and subject to the conditions set out in the Appendix to this decision.

Procedural Matter

2. This appeal seeks approval of an alternative design for the four semi-detached dwellings previously permitted, by way of a new permission conditioned to require compliance with different detailed plans. Accordingly, this decision requires an assessment of the revised details in the same way as a fresh application.
3. The development is part-complete with a new pair of semi-detached dwellings at Nos 3A and 3B Haystall Close, but with the original No 1 still standing with an exposed party wall following the demolition of the original No 3. The fact that the application is thus, in part, retrospective has no influence on the manner in which this appeal is determined.

Main Issues

4. The main issues are the effects, first, on the character and appearance of the proposed dwellings and the street scene of Haystall Close and, second, the adequacy of the private open space available to occupiers, compared with the scheme previously permitted.

Reasons

Character and Appearance

5. The primary difference between the approved and revised designs, and the pair of dwellings actually constructed, is the main roof profile. This is altered from a fully to a partially hipped or cropped gable form, to accommodate a fourth ensuite bedroom in the loft space, lit by a range of roof lights on the front roof slope. The front elevations are simplified by the omission of front porches.
6. The elevations of the completed dwellings at Nos 3A and 3B are in light brick, which matches that of Nos 1A and 1B which face the bend in Haystall Close, on the far side of the original No 1. Otherwise, the predominant finishing material and style in the Close and the wider surrounding area is red brickwork under fully hipped roofs.
7. However, there is wide variety in the detailed form of other buildings that make up the street scene, with many semi-detached pairs of substantial houses of greater width than those approved and as now proposed at Nos 1 and 3A-B.
8. The two pairs of narrower dwellings originally approved created some contrast with the present street scene. This is due to their more compressed appearance, with their front doors closely adjacent.
9. The question for this appeal is whether the changes now sought, and partly implemented, make such a difference as to harm the street scene, in comparison with the originally approved design.
10. The partly hipped roof profile still acknowledges the predominant roof form of the Close as a whole and, overall, I do not consider that the revised proposals give rise to an unacceptable degree of disharmony within the varied street scene as it now exists. I therefore find the effect of the proposed variation in the design on the character and appearance of the appeal dwellings and the street scene of Haystall Close to be acceptable.
11. It follows that the current proposal is compliant with Policies BE1 and DMHB11-12 of the adopted Hillingdon Local Plan (HLP) requiring high design quality to integrate new development with the surrounding area, and with Policies D3 and D8 of the adopted London Plan, which carry essentially the same message in terms of optimising site capacity through a design-led approach for development in the public realm.

Private Amenity Space

12. According to adopted Policy DMHB18 of the HLP, the increase from three- to four-bedroom houses generates a requirement for 100sqm of private amenity space per dwelling. That is compared with a 60sqm requirement for a three-bedroom dwelling and the 60sqm to 85sqm actually provided.

13. The Appellant contends that the likely occupancy of both the four-bedroom dwellings and the previously approved three-bedroom dwellings would be five persons, such that there would be no effective increase in the need for private garden space. I find some merit in this argument, and in practical terms the completed back gardens to Nos 3A and 3B seemed, from inspection, to be adequate for the type and size of family home concerned.
14. Taking account that prospective occupiers would have the opportunity to judge for themselves whether the private space would be adequate for their needs, I consider that the degree of harm in terms of non-compliance with the strict terms of Policy DMHB18 would be slight.

Other Matters

15. I have noted every point raised in the written representations, and I agree with the Council that there are no objections to the change in the proposed dwellings with respect to neighbouring amenity or highway safety, nor with respect to trees and landscape, subject to a standard landscaping condition. There is no other matter of sufficient importance to affect my decision on the appeal.

Planning Balance and Conclusions

16. The practice of varying approved development schemes without further approval is inappropriate and cannot be condoned. However, the planning system is not intended to be punitive and the revised design is for judgement strictly on its planning merits.
17. In this case, I have found no harm in terms of character and appearance and only slight conflict with planning policy with respect to private amenity space standards.
18. There would be a degree of planning benefit in the more efficient use of the site to provide additional family accommodation, contributing to the local housing stock.
19. On an overall balance of planning considerations, I consider this benefit outweighs the slight harm by non-compliance with strict amenity space standards.
20. The appeal should therefore be allowed and a new permission subject to a new Condition 2 requiring compliance with the approved revised plans, together with the landscape and other conditions of the original permission, as applicable.

B J Sims

INSPECTOR

APPENDIX

PLANNING CONDITIONS

1. The construction of Nos 1A and 1B Haystall Close hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the following approved plans,

1-3HC/01032021/REV-B-1/3 - received 21 Feb 2024

1-3HC/01032021/REV-B-2/3 - received 21 Feb 2024

1-3HC/01032021/REV-B-3/3 - received 26 Feb 2024.

3. The construction of Nos 1A and 1B Haystall Close shall not commence until details of all materials and external surfaces of all four dwellings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Details should include information relating to make, product/type, colour and photographs/images.

4. The construction of Nos 1A and 1B Haystall Close shall not commence until a landscape scheme for all four dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials

2.f External Lighting

3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies, or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any of the dwelling houses hereby approved shall be erected without the grant of further specific permission from the Local Planning Authority.

7. The construction of Nos 1A and/or 1B Haystall Close approved by this permission shall not be commenced until a scheme for the provision of sustainable water management for all four dwellings hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI5 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development, which shall include the arrangements for adoption by any public authority or statutory undertaker, and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development. Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

8. The access for the proposed car parking shall be provided with those parts of 1.5m x 1.5m pedestrian visibility splays which can be accommodated within the site in both directions, and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

9. Prior to works commencing on the construction of Nos 1A and 1B Haystall Close, details of step-free access via the principal private entrances of all four dwellings hereby approved, and all other points of entry and exit, shall be submitted to, and

approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the buildings.

10. The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.

- *End of Schedule* -