



Appeal Decision

Site visit made on 9 April 2024

by A Hunter LLB (Hons) PG Dip MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2024

Appeal Ref: APP/R5510/W/23/3329903

51 Bishops Road, Hayes, Hillingdon UB3 2TF

- 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 Mr Gurmeet Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 64416/APP/2023/1459.
 - The proposed development is the erection of a two storey 1-bed dwelling at the land adjacent to 51 Bishops Road Hayes UB3 2TF.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey 1-bed dwelling at 51 Bishops Road, Hayes, Hillingdon UB3 2TF in accordance with the terms of the application, Ref 64416/APP/2023/1459, subject to the schedule of conditions attached at the end of this decision.

Preliminary Matters

2. In my decision above, I have removed the address of the appeal site from the description of the development, in the interests of clarity.
3. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context, and both parties have had the opportunity to make comments on the revised Framework within their statements and final comments.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area, with particular regard to its siting and design;
 - Whether future occupiers of the proposed dwelling would have satisfactory living conditions, with particular regard to privacy; and,
 - The effect of the proposed development upon the living conditions of the occupiers of No. 51 Bishops Road, with particular regard to privacy, outlook and light.

Reasons

Character and appearance

5. The appeal site is part of the large rear and side garden of No. 51 Bishops Road, a semi-detached property diagonally positioned facing towards the junction between Bishops Road and Normandy Drive. The properties along both of these roads are mainly two-storey pairs of semi-detached dwellings with very narrow spaces between them, although there are larger spaces to the sides of some of the corner plots, such as the appeal site. There is an existing crossover on the frontage of the appeal site near to the adjoining property No. 53 Bishops Road.
6. No. 63a, is a detached dwelling not dissimilar in appearance to the proposed dwelling, it occupies part of the space between No's 63 and 65 Bishops Road, with No.65 being a diagonally aligned corner plot like the appeal site. Despite it being detached, its proportions, eaves and ridge height, hipped design and external materials relate well to the character and appearance of the area, I do not share the Council's view that it represents poor design.
7. The space between No.51 and 53 affords some views between them, mainly of the rear and side elevations of other properties. I also observed that some of the other corner plots nearby have had extensions on their sides, partly infilling the spaces between the properties. In view of this, and the presence of No. 63a, I am not persuaded that infilling part of the space between No's 51 and 53 with a detached dwelling, would in principle be harmful to the character of the area.
8. The siting of the proposed dwelling continues the characteristic setback of properties along this part of Bishops Road, ensuring its front elevation would be in line with No.53's. Whilst the small space between it and No. 53 would be much narrower than between No's 63a and 65 as it would abut both neighbouring gardens, it would reflect the similar small gaps between the street facing plots directly facing onto Bishops Road. Notwithstanding that it would be detached, its proportions would relate well to those of the semi-detached properties nearby, and it would have a similar eaves and ridge height, along with a matching hipped roof, which would not appear visually dominant or conflict with the relative symmetry of other properties. The descriptions of the proposed external materials, the details of which can be conditioned, would also be representative of those used on the adjoining properties and the area more widely.
9. The proposed dwelling would have space to its front side, a small space to either of its side boundaries and a rear garden. Although its garden would not be as long as many others nearby, it would be adequate to ensure the characteristic pattern of housing in the area is respected, including retaining a reasonable gap between it and No. 51. Moreover, the siting, and arrangement of the proposed dwelling would not appear cramped or out of character with the area.
10. I therefore conclude that the proposed development would respect the character and appearance of the area, and comply with the requirements of Policy D3 of The London Plan, The Spatial Development Strategy for Greater London, dated March 2021 (LP), Policy BE1 of the Hillingdon Local Plan, Part One Strategic Policies, adopted November 2012 (HLP1), and Policies DMHB 11,

DMHB 12, and DMH 6 of Hillingdon's Local Plan: Part Two - Development Management Policies adopted January 2020 (HLP2) that amongst other things, requires development to be high quality that enhances local distinctiveness, integrates into the surrounding area, including its relationship with building lines, setbacks, rooflines and streetscape rhythm, and not be an inappropriate development of a garden that would harm local character. In addition, the proposal would also accord with paragraph 135 of the Framework insofar as it requires development to be sympathetic to local character and history, add to the overall quality of the area, and be visually attractive.

Living conditions- future occupiers

11. First floor windows on the rear elevations of neighbouring properties are most likely to affect the privacy of the rear garden of the proposed dwelling. No. 51's diagonal relationship with the proposed dwelling would mean that there would be some potential for overlooking of its rear garden. However, I observed that the first-floor window on its rear elevation nearest to the proposed dwelling is an obscure glazed bathroom window, and its other window, serving a bedroom on its rear elevation is close to its party wall with No. 49. This separation distance and the orientation of the rear first floor bedroom window, which would be directly towards its own rear garden, significantly restricts the potential for overlooking towards the proposed dwelling's rear garden.
12. The proposed dwelling would have a side-by-side relationship with No. 53 Bishops Road, with both properties having their main first floor windows on their front and rear elevations. There would be no unacceptable loss of privacy to the proposed dwelling from this arrangement of properties, and any potential overlooking of the proposed dwelling's rear garden would be at an oblique angle and not dissimilar to other pairs of semi-detached properties in the area. Whilst there would be a degree of potential overlooking from the rear side of nearby properties, including No's 51 and 53, this would not be materially greater than the existing degree of mutual overlooking of rear gardens of properties in this area.
13. Providing suitable boundary treatment would be secured, which can be the subject of a condition, there would be no unacceptable privacy effects from the ground floor windows on No. 51 or any other neighbouring properties towards the proposed dwelling's rear garden.
14. I therefore conclude that the proposed dwelling would have satisfactory living conditions, and comply with the requirements Policy DMHB 18 of the HLP2, that amongst other things, requires development to have good quality, usable outdoor space provision. The proposal would also comply with the requirements of paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.
15. The Council referred to the proposal conflicting with Policy DMH 16 of the HLP2, that policy is focussed on ensuring minimum internal size requirements for new housing, I did not find that policy to be directly determinative on this main issue.

Living conditions – occupiers of No. 51 Bishops Roads

16. No. 51 is said to be some 2.6 metres from the proposed dwelling at its closest, with its garden in-between. However, due to its diagonal alignment relative to

the proposed dwelling, its closest part would be its rear corner, and most of its side and rear elevations would have a much greater separation from the proposed dwelling. Moreover, No. 51's rear elevation has ground floor windows serving habitable rooms, which would be directly orientated towards its own rear garden. The retained gap, window positions and the inter-relationship of the respective buildings would ensure that the proposal would not appear overbearing from within No.51.

17. Due to the orientation of the proposed dwelling relative to No. 51, there would be some loss of sun light at certain times. This would, however, be mainly limited to part of its side garden, and the separation distance between the respective properties, would ensure that such effects would not be harmful to the living conditions of its occupiers.
18. Although the retained garden for No. 51 would abut the side boundary of the proposed dwelling, there would be a small gap between the proposed building and the party boundary. No.51's garden would also extend to its rear, side, and across part of its front side. From within the garden of No.51, particularly its side garden closest to the proposal, the appearance of the proposed dwelling would have some effect on its outlook, and its level of sunlight at certain times of the day. However, it would retain ample garden space to its front, rear, and side that would well away from the proposal and unlikely to be shaded by it. This would ensure that on the whole the proposed development would not be overbearing or result in an unacceptable loss of sun light for occupiers within the retained garden of No.51.
19. The separation distance and relationship between the respective properties, would ensure adequate day lighting for the occupiers of No.51.
20. The first floor window on the side of the proposed dwelling would serve a landing window. Subject to a condition requiring this window to be obscure glazed, there would be no unacceptable privacy issues for the occupiers of No.51 as there would be no other windows on the proposed dwelling directly facing towards it.
21. I therefore conclude that the proposed development would provide satisfactory living conditions for the occupiers of No.51 Bishops Road and comply with the requirements of Policy DMHB 11 of the HLP2 that amongst other things requires development to not adversely affect the amenity, daylight and sunlight of adjacent properties. In addition, the proposal would accord with paragraph 135 of the Framework insofar as it requires a high standard of amenity for existing and future users.

Other Matters

22. An interested party has referred to the proposed new dwelling not having connection to utilities, as set out on the application form. Whether this is to be so, this matter is not an area of dispute between the main parties, and given the site's location in an urban environment there is no substantive evidence before me that such mains utility and water connections could not be made, if the appellant so chooses. These are also matters that are likely to be assessed at building regulations stage. The appellant has indicated that surface water is to be discharged via mains and a soakaway system, again no objections from the Council have been raised to these methods of draining the site. I also have

no substantive information to demonstrate that such methods would not be appropriate in this case.

23. The proposal for one dwelling does not require a contribution towards affordable housing in accordance with the Framework. Nor have I been made aware of any requirement of the local plan for such a contribution for this scale of development.
24. I acknowledge that issues have been raised by interested parties about noise and dust from the proposed development and its effect upon neighbouring occupiers. Such effects from the operation of the proposed dwelling are likely to be limited and would not be harmful to the living conditions of neighbouring occupiers. During the construction phase of the proposed development, there would likely be some noise and dust effects for neighbouring occupiers, and a condition to agree a construction management statement would be required to ensure adequate protection for the living conditions of adjoining occupiers.
25. It is noted that some occupiers nearby have stated that they were not notified of the proposed development. However, the Council's report clearly sets out that 11 neighbouring occupiers to the appeal site have been notified of the proposal. On this basis I am satisfied that consultation with neighbouring occupiers has been undertaken.
26. Matters relating to wider mental health issues, including lack of sleep, and crime and safety, such as car thefts, have been raised by an interested party. Given my findings above, in the context of this proposed dwelling, I have no substantive evidence before me to show the proposal, subject to conditions, would add to mental health related issues or crime and safety matters in the wider area.

Conditions

27. I have imposed a standard implementation condition, along with a condition listing the approved plans to provide certainty over what has been approved, although it was not necessary to include reference to the Design and Access Statement. A condition regarding external materials and boundary details is also necessary to protect the appearance of the area.
28. To protect the living conditions of neighbouring occupiers, it is necessary to impose conditions requiring the agreement of a construction management statement (which incorporates the relevant parts of the Council's suggested condition), and for the first floor side window to be obscure glazed. Although the plans show cycle and refuse storage areas, there are no elevations of these details, as such conditions are necessary to ensure satisfactory secure cycle storage is provided to promote sustainable travel and, in both cases, to protect the character and appearance of the area.
29. To secure a vehicle charging point to enable charging of plug-in and other ultra-low emission vehicles is also necessary, in accordance with paragraph 116 of the Framework.
30. I did not regard the suggested landscaping condition to be necessary given that there was limited space for meaningful planting to the area in front of the proposed dwelling or within its rear garden area. A condition has been suggested by the Council's Highway team relating to a visibility splay of 2.4 metres by 2.4 metres to either side of the crossover. I also observed that there

was no boundary treatment across the front of No.53, and whilst there was boundary treatment around the side of No. 51, this would be more than 2.4 metres away from the proposed parking space. As such the suggested visibility splay condition was not necessary, the boundary treatment condition would allow the Council to ensure any new front and side boundary would be no higher than 0.6 metres within the specified area.

31. The Council suggested conditions to prevent new windows being formed in the proposed dwelling and to remove certain permitted development rights, such as for roof alterations and sheds. The Town & Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 1, B.2 (c), says new windows above ground floor level in the sides of the property would need to be obscure glazed and non-opening, unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room. The proposed floor plans show a staircase, toilet, and part of the kitchen on the ground floor side nearest to No. 51, with the kitchen served by two openings on its rear side. On the opposite side, the proposal would be close to the side of No. 53, which does not have any ground floor side openings. For these reasons, a condition preventing new windows would not be necessary or reasonable. Furthermore, and notwithstanding the size of the appeal site, the Council has not fully justified why a condition withdrawing the suggested permitted development rights preventing limited alterations and extensions would be necessary in this case.
32. Given the appeal site's location within an urban context and adjoining other properties, an external light condition was not necessary. Finally, conditions have been recommended relating to level access for all entrances and compliance with optional building regulation standards. However, I have not been able to impose these, as I have not been provided with adequate policy justification to demonstrate why such conditions, above building regulations, would be necessary to make the development acceptable.

Conclusion

33. For the reasons given above, considering the development plan as a whole and all relevant material considerations, the appeal is allowed.

A Hunter

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans: drawing no's N.A/51BR/102 A; N.A/51BR/105 A; N.A/51BR/103 A; N.A/51BR/104 A; N.A/51BR/108 A; N.A/51BR/106 A; and the site location plan.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - areas for the parking of vehicles of site operatives and visitors;
 - the loading and unloading of plant and materials;
 - the storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding;
 - measures to control noise, and the emission of dust and dirt during construction; and,
 - delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 4) Prior to any works above ground level, precise details of all external materials and finishes to be used on the building, along with all hard ground surfacing materials, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.
- 5) Prior to the first occupation of the development hereby approved, refuse storage facilities shall be provided in accordance with precise details, including screening, that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter those refuse storage facilities shall be retained in perpetuity for their intended purpose.
- 6) Prior to the first occupation of the development hereby approved, the first-floor landing window on the side elevation of the dwelling shall be installed, which shall be non-opening and obscure glazed, in accordance with precise details, including the level of obscurity, that shall first have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be retained in accordance with the approved details.
- 7) Prior to the first occupation of the development hereby approved, an electric car charging point shall be provided in accordance with precise details, that shall first have been submitted to and approved in writing by the Local Planning Authority.
- 8) Notwithstanding the submitted information and prior to the first occupation of the development hereby approved, secure cycle parking shall be provided in accordance with precise details, including any associated structure or screening, that shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter the cycle parking areas shall be retained in perpetuity for this use and not used for any other purpose.
- 9) Prior to first occupation of the proposed development hereby approved, precise details of all boundary treatment for the new dwelling shall be submitted to and approved in writing by the Local Planning Authority together with a timetable for its implementation. Thereafter the development shall be undertaken in accordance with the agreed details and timetable.