



Appeal Decision

Site Visit made on 29 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2021

Appeal Ref: APP/R5510/W/21/3267396

63-65 Station Road, Hayes UB3 4BG

- 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 T Sahota against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 18175/APP/2020/2157, dated 13 July 2020, was refused by notice dated 22 September 2020.
 - The development proposed is "First floor rear extension; Conversion of existing retail storage space to create 1 x Studio flat".
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Decision

1. The appeal is allowed and planning permission is granted for "First floor rear extension; Conversion of existing retail storage space to create 1 x Studio flat" at 63-65 Station Road, Hayes UB3 4BG in accordance with the terms of the application, Ref 18175/APP/2020/2157, dated 13 July 2020, subject to the attached Schedule of Conditions.

Main Issue

2. The main issues are: (i) the effect of the proposed development on the living conditions of neighbouring residents, with particular regard to outlook; and (ii) the effect of the proposed development on pedestrian and highway safety.

Reasons

Living Conditions

3. The appeal site comprises a retail unit, storage area and parking area at ground floor level and a residential flat and retail storage space at first floor level. It is proposed to extend an existing outrigger at first floor level to create a one-person studio flat in place of the storage space; the entrance to the existing flat would become a shared access. The proposal would follow the existing width and roof form of the outrigger, with two windows and a gable end on the east elevation and two windows on the north elevation. The depth of the proposed extension would match that of the existing ground floor.
4. It is claimed by the Council that the proposal fails to address the loss of outlook referred to by an Inspector in a previous appeal¹ relating to a larger extension at the appeal site. That appeal was dismissed, partly due to that scheme's effect on the living conditions of residents of the first floor flat at 67 Station Road. The proposal is quite different to the scheme referred to by the previous

¹ APP/R5510/W/15/3053058

appeal, which the appellant has presented full details of in an appendix to their appeal statement. From those details I can see that the proposal is smaller than the scheme previously dismissed and set further away from No.67.

5. The proposal would have no windows on its south elevation and the existing flat roof of the ground floor units would remain inaccessible and unable to be used as a terrace. I noted that the first floor flat at No.67 has one window facing north, towards the proposal, but this is obscure glazed. Views of the proposal from the rear facing windows of the first floor flat at No.67 would only be possible at oblique angles when residents are standing directly at those windows. The only other views of the proposal from the first floor flat at No.67 would be from its entrance when the front door is open, which would only be for brief periods when people are entering/leaving the property, surrounded by what is already an enclosed environment.
6. The proposal would not therefore result in an over-dominant or visually obtrusive form of development in relation to the occupants of the first floor flat at No.67, as it was concluded would have been the case with the larger extension previously refused planning permission. In contrast, the proposal would have little impact on the residents of that flat due to its positioning away from the southern boundary. In the position proposed, its depth would not appear excessive or dominating when viewed from the first floor flat at No.67. I note the appellant's annotated plan showing the proposal would not come close to extending beyond a 45-degree line of sight drawn from the centre of the nearest window of the first floor flat at No.67.
7. The proposal therefore accords with Policies DMHB 11 and DMHD 1 of the Council's Local Plan: Part Two². These require, amongst other things, development to result in no unacceptable loss of outlook to neighbouring occupiers and no adverse impact on the amenity of occupants of adjacent properties.

Pedestrian and Highway Safety

8. The Council's second reason for refusal refers to the absence of a legal agreement seeking to prevent the appellant and/or occupant of the proposed dwelling from applying for permits to park on the highway. The appellant has provided a copy of a signed legal agreement which they have entered into following the Council's refusal of planning permission. The Council have confirmed they are satisfied that this overcomes their objections to the proposal set out in their second reason for refusal. However, I am not convinced that the document presented accords with section 106(1) of the Town and Country Planning Act 1990 (as amended) as it seeks to restrict the actions of an interested person on land outside of the appeal site.
9. The proposal includes the provision of one secure and covered bicycle storage space and the appeal site is in a town centre location, which the Council acknowledge has excellent access to shops, services, facilities and transport links and a PTAL ranking of 5. I have not been presented with any detailed figures relating to parking stress in the locality. Taking this into account, I am also unconvinced that the proposed one person studio flat would likely result in a deleterious impact on street parking provision, congestion, local amenity or pedestrian or highway safety in the absence of any restrictions on the

² Hillingdon Local Plan Part 2: Development Management Policies (2020)

appellant/occupant applying for parking permits, which can be controlled by the Council through other measures if necessary. A legal agreement of the type sought would not ensure the proposal comprises sustainable development.

10. I am therefore satisfied that the proposal would not cause any harm to pedestrian or highway safety and that it would accord with Policies DMT 2 and DMT 6 of the Council's Local Plan: Part Two. These require, amongst other things, that development does not contribute to the deterioration of safety of all road users and residents, or a deleterious impact on street parking provision, congestion or local amenity.

Conditions

11. It is necessary to attach a condition requiring the commencement of development within the relevant timescale and a condition identifying the approved plans for clarity and in case of enforcement. I have considered the conditions suggested by the Council, which the appellant has confirmed they would agree to, but there is no need for a condition requiring car parking spaces to be kept available for such purposes as no spaces are proposed. I also see no opportunities for landscaping opportunities to preserve or enhance the visual qualities of the locality, considering the proposal relates to a first floor extension and the submitted plans indicate bicycle and refuse storage facilities are to be provided alongside the existing vehicle parking area where the Council's Landscape Officer suggested some form of landscaping may be capable of being provided.
12. The proposal is incapable of providing step-free access and the Council's Access Officer has confirmed the development plan does not require the proposal to accord with Building Regulations optional requirement M4(2) in this instance. Therefore, it is not necessary or reasonable to attach a condition requiring compliance with this optional requirement of the Building Regulations.
13. A condition requiring approval of details of external colours and finishes to be used on external surfaces is necessary to ensure the proposal is finished appropriate to the surrounding area. Conditions requiring details of secure covered bicycle parking and refuse storage facilities and their retention are also necessary to ensure the relevant parts of the Council's development plan are complied with. A condition requiring details of sound insulation to protect the living conditions of future residents from noise created by the ground floor commercial unit is necessary, but it would be unreasonable to require those details within the timescales suggested; such details should be approved prior to the commencement of development and installed prior to the first occupation of the flat.

Conclusion

14. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

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 approved plans:
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall commence until details of covered secure bicycle parking facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted. The covered secure bicycle parking facilities shall thereafter be retained and kept available at all times for the parking of bicycles.
- 5) Construction work shall not take place until a scheme for protecting the proposed studio flat from noise from the ground floor commercial unit shall have been submitted to and approved in writing by the local planning authority. All works which form part of the scheme shall be completed before the studio flat is occupied and retained thereafter.