



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Jay Verma

Proposal:
Erection of a single storey rear extension and a two storey side extension to form a separate two-bedroom dwelling

Appeal Site:
45 Eton Road, Hayes, UB3 5HS

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant planning permission.
- 1.2 The LPA refused planning permission on 10.05.2022 for the following reasons (as stated on the decision notice):
1. Due to its siting, design, excessive width, and resulting bulk, the proposed dwelling would form a visually unsympathetic addition to the neighbouring semi-detached dwelling. It would also disrupt and unbalance the visual symmetry which exists between the pair and result in excessive hard landscaping to the front. The proposed dwelling would therefore be detrimental to the character, appearance and visual amenities of the streetscene and wider area, disrupting the established pattern of built form in the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), as well as policies D3 and D6 of the London Plan and paragraphs 130 (a) and (c) of the NPPF (2021).
 2. The proposed development results in a dwelling of poor design as the new dwelling would provide a 3 bedroom property without a double/twin bedroom (11.5m² floorspace). The proposal is therefore contrary to Policy D6 of the London Plan (2021) and fails to provide quality accommodation for future occupiers.
 3. The internal arrangement of the dwelling would fail to meet the requirements for a M4(2) accessible and adaptable dwelling as set out in Approved Document M to the Building Regulations (2015 edition). The proposal is therefore contrary to Policy D7 of the London Plan (2021).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

- 2.1 Within their statement of case the appellant has raised the following summarised points:
- The proposed development is in keeping with the character and appearance of the area.

- In making their decision the LPA has failed to give enough weight to the existence of the two storey side extension already at No.45 Eton Road. The proposed dwelling is of similar size to the existing extension.
- The double bedroom shown on the appeal plans indicates a room of 11 sq. m with additional storage space of 1.2 sq. m. The footnotes within the technical housing standards (nationally prescribed space standard) states that built-in storage areas are included within the overall GIAs. As such the room has GIA of 12.2sqm exceeding the required 11.5sqm set out in Policy D6 of the London Plan (2021). Furthermore, the internal layout of the building can be amended and the built in storage area can be removed resulting in double/twin bedroom with a usable floorspace of 12.2 m2. An amended plan is attached in Appendix A.
- The appeal plans show that a ramp will be installed at the front of the new property, as such step free access would be provided for occupiers of the new dwelling.
- The proposed access into the ground floor w/c maintains a minimum width of 848mm which would exceed the compliance for entry into a ground floor space. In addition, the clearance between both the toilet and washbasin is in excess of 750mm which would provide a sufficient area of manoeuvrability for a majority of wheelchair users within the space. Whilst it is acknowledged that the door is shown to be opening inwards, this can be addressed to be an outward facing door to satisfy the context of M4 (2) where the internal arrangement already provides policy compliant accessibility.

Taking into consideration these points the appellant believes that the proposed development is acceptable and that the appeal should be allowed. The LPA's responses are set out below.

- 2.2 The proposed development would have an adverse impact on the character and appearance of the area for the reasons set out in section 1.2.1 of this report, as well as the Planning Officer's delegated report and decision notice. Refusal reason 1 of this appeal statement should therefore be upheld.
- 2.3 Section 7.2 of the Planning Officers delegated report, demonstrates that the existing two storey side extension (at No.45 Eton Road) was carefully considered in the decision making process and was given appropriate weight when assessing the impact of the proposed development on the character and appearance of the host dwelling, neighbouring semi-detached dwelling, and surrounding area.
- 2.4 It is agreed that built in storage areas should be included within the overall floorspace calculation (GIA) for a new dwelling as set out in Policy D6 of the London Plan (2021). However, Policy D6 (4) requires the *floor area* of a room to be 11.5sqm not the GIA of a room. The appeal scheme would include no bedroom with a floor area of 11.5sqm and therefore as submitted, refusal reason 1.2.2 of this appeal statement should be upheld.

- 2.5 Notwithstanding the above, the appellant has submitted an amended plan (Appendix A of Appellants statement of case) for the proposed dwelling showing that a double bedroom with a floor area of 12.8sqm could be provided, without externally altering the proposal. It is agreed that internal alterations to the proposed dwelling could be made to ensure that a twin/double bedroom with a floor area of 11.5sqm is provided. However, the plans shown in Appendix A are unacceptable on accessibility issues explained below.
- 2.6 Both the originally submitted plans and the plan submitted in Appendix A of Appellants statement of case show that the downstairs W/C would have an inward opening door oppose to an outward opening door. Furthermore, the spacing and access zones around the W/C are too small and do not comply with the requirements of Diagram 1.3 of M4(2) accessible and adaptable dwelling as set out in Approved Document M to the Building Regulations (2015 edition). For these reasons and those set out in section 7.5 of the Officers delegated report, refusal reason 3 of this appeal statement should be upheld.
- 2.7 Notwithstanding paragraphs 2.5 and 2.6, the LPA determined the proposal based on the drawings submitted with the application and not any subsequent revisions submitted as part of the appellant's statement of case. Therefore, the LPA is of the opinion that reason for refusal 2 should be upheld.

3. Other Matters

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

4. Conclusion

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 4.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions