



Appeal Decision

Site visit made on 18 June 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/R5510/W/23/3335511

47 Fairfield Road, Hillingdon, Uxbridge UB8 1AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Mr Paresh Khakharia against the Council of the London Borough of Hillingdon.
- The application Ref is 21763/APP/2023/3040.
- The development proposed is outline planning permission for the demolition of an existing house and erection of new residential building including basement, ground, first and roof accommodation housing one replacement dwelling and 7 new dwellings with associated bins and cycle store. Alterations to access and drop kerb. Landscaping reserve matters.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to a planning application that was not determined by the Council within the prescribed period. In response to the appeal, the Council has prepared an appeal statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reasons for refusal within it in framing the main issues below.
3. An earlier scheme comprising a new building containing six dwellings was allowed at appeal (the previous appeal)¹. My assessment has taken that decision in to account.

Main Issue

4. The main issue is whether the proposed development would provide acceptable living conditions for future occupants of the two basement studios, with particular regard to outlook, sunlight, and ventilation.

Reasons

5. 47 Fairfield Road (No 47) is a detached two storey, four bedroom house on a prominent corner plot on the junction of Fairfield Road and Harefield Road. The proposed scheme is for outline planning permission for the demolition of No 47 and its replacement with a building containing eight flats, with landscaping matters reserved.

¹ APP/R5510/W/21/3285551

6. The previous appeal included duplex flats with bedrooms at basement level and living accommodation above. The Inspector accepted the basement level accommodation as the main living area for these apartments was on the ground floor. The appeal before me is a different scheme with two additional flats, both of which would be entirely at basement level and the depth and area of the sunken courtyards that would serve these properties has been increased.
7. Each of the basement studios would have large openings at lower ground level on the front elevation that would be fitted with bifold doors and would serve their open plan living areas. The indicated configuration of the studios indicates that living accommodation could be closer to the doors where light levels would be higher. Notwithstanding this, both flats would be open plan and the sleeping and living area would be a single space for both studios.
8. An Internal Daylight Assessment dated October 2023, submitted in support of the application, concludes that the proposed properties would have adequate levels of daylight. A sunlight assessment is not included as part of this assessment.
9. The appellant asserts that as the proposed basement studios are north facing no sunlight assessment is required. However, Policy D6 of the London Plan 2021 (LonP) requires the design of new development to provide sufficient levels of both daylight and sunlight. The sunlight passing through the bifold doors would be diminished due to the orientation of the building, which would face north-west, and the high retaining wall and railings surrounding the adjacent patio area. As such, the basement studios are likely to be gloomy and considerably less exposed to sunlight than the other properties proposed as part of the scheme.
10. Despite the increased depth of the sunken courtyards, the patio areas would extend to depths of around 2.35m for Flat 1 and around 3m for Flat 2. At such close proximity, the height of the retaining wall and railings would also result in an enclosed and poor outlook from within the studios. Those effects would result in an unsatisfactory internal living environment for the future occupiers of the studios.
11. Policy D6 of the LonP recognises the impact that a single aspect dwelling can have on living conditions in terms of ventilation and stipulates that they will only be acceptable when it has been demonstrated that it will have adequate passive ventilation. There is no exemption from this requirement for properties out with central areas. The proposed studios would be at lower ground level and, as detailed above, the opening would be enclosed by the retaining wall which would be likely to reduce airflow. I acknowledge that both studios would have a single large full height opening. However, there is no substantive technical evidence before me to demonstrate that sufficient passive ventilation can be achieved within the studio flats. As such I am not satisfied that the studios would provide a suitable standard of living in terms of ventilation.
12. Within its Appeal Statement the Council also note that the proposed basement studio flats would be cramped. However, I note that all of the proposed dwellings would meet the minimum internal space standards in terms of floor area and ceiling height as defined within Policy D6 of the LonP. Nonetheless, a lack of harm in this respect does not ameliorate the harm I have identified in relation to sunlight, outlook, and ventilation.

13. It is acknowledged that basement level accommodation can make a positive contribution to the housing mix and provide acceptable living conditions. The submitted photographs of basement accommodation indicate that they can, on occasion, provide accommodation that is light and bright. Notwithstanding this, for the reasons detailed above the basement level accommodation proposed as part of the appeal would not meet current living standards.
14. In conclusion the proposal would fail to provide acceptable living conditions for future occupants of the basement studios in particular regard to sunlight, outlook, and ventilation. The development is therefore contrary to Policies D3 and D6 of the LonP. These policies are consistent with the National Planning Policy Framework in ensuring healthy living conditions, this includes providing sufficient sunlight, appropriate outlook and that single aspect dwellings will have adequate passive ventilation.

Other Matters

15. The proposed scheme would comply with current amenity standards for future occupants including in relation to internal floor area, ceiling heights and external amenity space, daylight, and noise. It would include suitable provision for off-street car parking and cycle and waste storage and would not harm the living conditions of neighbouring occupants or the character and appearance of the area. Further, the appeal site is in an area that is not at risk of flooding and the properties would also be energy efficient and incorporate water saving measures. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.
16. I note the recent planning history of the site including the scheme allowed under the previous appeal. There would appear to be a reasonable prospect of the implementation of the previously approved scheme. Be that as it may, none of the developments that have been previously approved would include studio flats that would be entirely at basement level.

Conclusion

17. The proposal would provide seven additional housing units in a suitable location where there is an identified need, there would also be associated economic benefits during construction. The scheme would maximise the use of the site and make a modest contribution to the housing supply in the area. In so doing, the proposal would comply with Policies H1 and H2 of the LonP, which amongst other things, set housing targets and encourage the development of small sites in order to meet London's housing needs. While the benefits of the scheme are acknowledged, given the limited number of additional dwellings proposed this carries moderate weight.
18. However, as detailed above I have found that the proposal would fail to provide acceptable living conditions for future occupants of the two basement studios. This is not outweighed by the benefits I have identified. As such the proposal would not accord with the development plan when taken as a whole. Furthermore, there are no material considerations that indicate that the appeal should be determined other than in accordance with the development plan.
19. For the reasons given above the appeal is dismissed.

C Livingstone

INSPECTOR