

Appeal Decision

Site visit made on 10 October 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/R5510/W/24/3342376

59 St Mary's Road, Hayes UB3 2JP

- 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 H Singh against the decision of the Council of the London Borough of Hillingdon
 - The application is Ref. 42412/APP/2024/70.
 - The development proposed is a 2 bedroom dwelling to the side of the existing property.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 bedroom dwelling to the side of the existing property at 59 St Mary's Road, Hayes UB3 2JP in accordance with the terms of the application, Ref. 42412/APP/2024/70, dated 11 January 2024 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the terrace formed by Nos. 53-59 and its surroundings, including the St Mary's Road streetscene.

Reasons

3. The Officer's Report explains that the appeal application follows the refusal of an earlier application. However, whilst the appeal scheme proposes changes to the design of the additional dwelling and has overcome reasons for refusal relating to parking and accessibility standards, the Council remains of the view that as a cramped and contrived addition to No. 59 the host dwelling, the development would still cause harm to the character and appearance of the area by not being in keeping with the surrounding area and the streetscene.
 4. No. 59 is an end of terrace dwelling and the last house on the southern side of St Mary's Road on the approach to the junction with Church Road, a short distance to the west. The land between No. 59 and this junction is the site of Hayes Town Chapel. And from both the submitted OS-based Site Location Plan and my own observations, it is apparent that apart from a slight widening at the front there is only a minimal gap between the plot boundary of No. 59 and the flank wall of the chapel building.
 5. At present on the appeal site there is a mono-pitch roofed garage/gym adjacent to the front part of the side wall of No. 59, and the appeal proposal is for this to be demolished and replaced by an attached building to form the new dwelling.
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This would be set back from the front by a similar distance to the existing garage and set down from the existing roof line of the house. Unlike the existing attachment, the proposed dwelling would be built on the actual boundary with the Chapel site to achieve the necessary width.

6. Ostensibly, the Council's argument that the proposed building would be cramped and contrived has some credence. However, on further consideration I consider there are a number of factors that weigh in favour of the appeal scheme and have the potential to mitigate any reasonable perception of harm.
7. From close examination of the submitted drawings, I consider that the width achieved by building on the site boundary would not result in the building as appearing incongruously narrow, either in itself or in relation to No. 59. This is because it would essentially read as a two-storey extension to the house with the conventional set-back and set-down to achieve the required subordination, whilst the fenestration would be entirely in keeping with the host dwelling.
8. The exception to this is the front door, which does introduce an element of incongruity. With that said, this incompatibility would be perceived more by relevant professionals (architects/ planners/surveyors) than the average passer-by who would be unlikely to give it a second glance. The further argument in favour of the width being acceptable is that internally the floorspace would provide conventional room sizes at both ground and first floor levels and overall, more than the requisite floorspace to meet the Nationally Described Space Standard.
9. The existing terrace of Nos. 53-59 displays important elements of symmetry. However, given the particular detailing of the front elevations including alterations, together with the frontage length for the most part precluding the sight of the whole building from any one aspect, this symmetry is perceived rather more as a pleasing rhythm of the four dwellings comprising the terrace than as an overt balance of Nos. 53 and 59 that should be retained.
10. Taking the above observations into account, I consider there are two main features of the development that make the development acceptable. Firstly, the proposed front elevation being set back by a metre would preclude any necessity for it to blend with the existing frontage, with the front door an insignificant feature in relation to the terrace as a whole. Secondly, although the Chapel is very close to the site boundary, a perception of the new dwelling being cramped would be alleviated through the combination of this set-back with the adjoining flank of the Chapel being only single storey and having a shallow pitched roof. The overall outcome would be that the proposal would not be so 'squeezed in' as to draw the eye as being unduly cramped and contrived.
11. For these reasons I find that the character and appearance of the terrace, the street scene of St Mary's Road and the overall visual amenity of the area would not be harmed. Accordingly, there would be no conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012; Policies DHMB 11 & 12 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020; Policies D3, D4 & D6 of the London Plan 2021 and Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023.

Other Matter

12. The Officer's Report does not address the issue of housing supply and therefore I have no information on the current figures for the Borough. However, given that there is a significant national and London shortage of homes and a Government policy to resolve the matter with urgency, I consider that this weighs in favour of the appeal scheme, albeit not in itself the deciding factor.

Conclusion and Conditions

13. For the reasons explained, the appeal is allowed. The Council has suggested a number of conditions and I consider that with some minor amendments and one exception these are reasonable and necessary. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring details of external materials and surfaces to be first approved will maintain visual amenity.
14. Conditions relating to restricting windows, providing obscure glazing and precluding the use of the flat roof will safeguard the privacy of users of the Chapel. A condition requiring accessibility to and within the building will secure accessible and adaptable housing, whilst a condition in respect of visibility splays will maintain highway safety. Conditions regulating the use of energy and water will reduce pollution and flood risk and conserve resources, whilst conditions in respect of the withdrawal of permitted development and the restriction of hours of construction will maintain the amenities of nearby residents.
15. The suggested condition that I consider to be unnecessary is the detailed landscaping condition. This is because the amenity space to be provided is in the form of an enclosed rear garden that would not be seen from the public realm. I have replaced this with an essentially similar but more limited condition requiring the submission and approval of details of the area to be retained in front of the dwelling, including the parking space and storage facilities.
16. Finally, the Council's list of suggested conditions included a number of Informatives. However, it is not the practice of the Planning Inspectorate to include such information in Decision Letters and it is for the Council to convey these matters under alternative arrangements.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: OS-based Site Location Plan; Drawing No. Series AH735: Plan Nos. 01; 02; 03 Rev. A, 04 Rev. A, 05 Rev. A, and shall thereafter be retained for as long as the development remains in existence;
- 3) No development above ground level shall take place until details of all external materials and surfaces associated with the proposed development 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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 facing Hayes Town Chapel;
- 5) The first floor side window facing Hayes Town Chapel shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from the internal finished floor level and thereafter retained in that form;
- 6) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area;
- 7) The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations 2015, has been submitted to and approved in writing by the Local Planning Authority. All such provisions must remain in place for the life of the building;
- 8) The vehicular access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays in both directions which can be accommodated within the site and shall be maintained free of all obstacles to visibility exceeding a height of 0.6m above the level of the adjoining highway;
- 9) The heating system installed for the new dwelling shall be restricted to one of the following: (i) a heat pump or other zero-emission heat source; (ii) one or more individual gas boilers with NO_x emissions rated at less than 40 mg/kWh; (iii) the development connected to an existing heat

network. The development shall be carried out in accordance with the above heating systems and maintained for the lifetime of the development;

- 10) No development above ground level shall take place until a scheme for the provision of sustainable water management and water efficiency has been submitted to and approved in writing by the Local Planning Authority. The scheme shall: (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.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and shall: (i) provide details of water collection facilities to capture excess rainwater; (ii) provide details of how rain and grey water will be recycled and reused in the development; and (iii) provide details of how the dwelling will achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations). Thereafter the development shall be implemented and retained in accordance with these details for as long as the development remains in existence;

- 11) The dwelling shall not be occupied until the hard surfacing for the parking space and adjacent land at the front of the dwelling; a 7Kw active EVCP; and the construction of the bin and cycle stores have been constructed /installed in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the parking space, charging point, bin and cycle stores will be retained in accordance with these details for as long as the development remains in existence;
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension to the house, nor a shed or other outbuilding shall be erected without the application for, and grant of, permission from the Local Planning Authority;
- 13) Demolition and construction works which are audible at the site boundary shall not be carried out other than between the hours of 08.00 and 18.00 hours Monday to Friday and 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance 'The Control of dust and emissions from construction and demolition'. No bonfires shall be lit.