

Appeal Decision

Site visit made on 14 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2021

Appeal Ref: APP/R5510/W/21/3276492

102 Hunters Grove, Hayes UB3 3JF

- 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 Rai (F/O Zanoply Ltd) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 47772/APP/2020/4054, dated 7 December 2020, was refused by notice dated 5 May 2021.
 - The development proposed is described as "Construction of a double-storey side extension (as approved 47772/APP/2020/1595) and minor alterations to the front; rear areas with front porch (as approved 47772/APP/2020/2619) to form a 1 bedroom dwelling house".
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with alterations to front and porch to front to form a 1-bed dwelling house at 102 Hunters Grove, Hayes UB3 3JF in accordance with the terms of the application, Ref 47772/APP/2020/4054, dated 7 December 2020 and subject to the attached schedule of conditions.

Preliminary Matters

2. The description of the proposed development in the banner heading above is taken from the original application form. As it contains Council planning application numbers which are not a description of development, and the reference to "rear areas with front porch" is unclear, the Council's more accurate description is used in the formal decision.
3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021 and the main parties were given the opportunity to submit comments. The 2021 version of the Framework is referred to in the decision.

Main Issues

4. The main issues are:
 - whether there would be acceptable living conditions for the future occupants of the proposed development with regard to the provision of internal space; and
 - the effect of the proposed development on the character and appearance of the area.

Reasons

Internal space

5. Policy D6 of the 2021 London Plan (LP) and Policy DMHB 16 of the Council's 2020 Adopted Local Plan Part 2 Development Management Policies (DMP), require a one bedroom two storey dwelling to have a minimum gross internal floor area (GIA) of 58 sqm. This also corresponds with the Government's Nationally Described Space Standard (NDSS).
6. The Council takes the view the proposed dwelling would only have a GIA of 55 sqm, excluding the loft space. Conversely, the appellant states the GIA would be 59.5 sqm across the ground and first floor, thus excluding any contribution from the loft space. In the submitted plans, the floor area of each of the rooms across the two floors has been provided and the Council has not sought to identify any specific errors in this respect. While the floor areas would be some 57.7 sqm, they would omit any space taken up by the internal partitions within the dwelling which the LP, DMP and NDSS all note should be included in the GIA. Consequently, when taking account of the partitions, it is reasonable to find that the GIA would exceed 58 sqm.
7. In light of the above, there would be acceptable living conditions for the future occupants of the proposed development with regard to the provision of internal space. Accordingly, the proposed development would meet the GIA requirements of LP Policy D6, DMP Policy DMHB 16, and the NDSS.

Character and appearance

8. Like many of the surrounding dwellings, and notwithstanding the lack of a crossover/dropped kerb, the front garden area of the appeal property predominantly comprises hardstanding for off-street parking. However, there is a fairly substantial hedge alongside the north west boundary which makes a positive contribution to the street scene, softening and breaking up the areas of hardstanding at No 102 and the neighbouring property.
9. In the proposed scheme, the existing hedge would be removed and replaced by a low wall. A new hedge would be planted along the south east boundary adjacent to an existing boundary wall, while there would be new shallow planting strips in front of the proposed new dwelling and partly in front of the existing house. The planting strips would largely lie behind the proposed bin stores.
10. DMP Policy DMHB 11 specifies, amongst other things, that landscaping should be incorporated to protect and enhance amenity, biodiversity and green infrastructure. Additionally, it confirms that external bins should be located and screened to avoid adverse visual impacts. DMP Policy DMHB 14 expects developments to retain or enhance existing landscaping, biodiversity or other natural features of merit. It also requires that development proposals provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, and which supports and enhances biodiversity and amenity.
11. Due to its location, proposed 0.5m height and narrow nature, the proposed hedge would have a very limited positive effect on the surrounding street scene. The contribution would certainly be more limited than that of the

existing hedge. Moreover, the proposed planting strips would largely be hidden from public view by the proposed refuse storage and car parking.

12. While the scheme was previously amended to move the bin stores away from the front boundary, they would be sited directly in front of the existing house and the proposed development, and would face the street. As such, they would remain visually prominent and obtrusive. Furthermore, in order to avoid visual clutter and given the new dwelling would have a pathway to the side leading to its rear garden, the new dwelling's refuse storage should ideally be located within its rear garden, unless there is clear justification for not doing so.
13. As there would be inadequate soft landscaping and the bin stores would be unduly prominent, the proposed development would not comply with Policies DMHB 11 and DMHB 14. However, in the event of the appeal being allowed, one of the conditions suggested by the Council requires the submission and approval of a landscape scheme, which would include details of soft landscaping and refuse storage. Additionally, the appellant has not objected to the Council's suggested conditions. The Framework sets out that decision makers should consider whether otherwise unacceptable development could be made acceptable through the use of conditions, and a landscape scheme would enable the deficiencies identified above to be addressed.
14. In conclusion, subject to the aforementioned condition being imposed, the proposed development would not have an unacceptable effect on the character and appearance of the area, and the requirements of DMP Policies DMHB 11 and DMHB 14, as set out above, would be met.

Other Matters

15. While interested parties have raised concerns about the garden sizes and the provision for parking, the scheme would comply with development plan policy in these respects, save for the lack of secure and sheltered cycle parking, and an electric vehicle (EV) charge point for the new dwelling. However, these shortcomings could be addressed by imposing a condition requiring their provision, which would be necessary in the interests of encouraging sustainable modes of travel. The Council's suggested landscape scheme condition has been amended to remove reference to cycle storage, as this would be dealt with by the condition on EV charging and cycle storage.

Conditions

16. The conditions suggested by the Council have been considered having regard to the Framework and the Planning Practice Guidance. Where appropriate, they have been amended for clarity and precision.
17. Further to the conditions already discussed above, a condition specifying the approved plans is necessary to ensure certainty, while a condition requiring the external facing materials to match those of the existing building is necessary to ensure the development does not have an adverse impact on the character and appearance of the area.
18. A condition requiring the north west facing first floor windows to be obscure glazed and non-opening below a specified height is necessary to protect the living conditions of the neighbouring occupiers, and a condition requiring the new dwelling to be an M4(2) accessible and adaptable dwelling is necessary to provide an appropriate standard of housing stock.

19. The Council's suggested condition removing permitted development rights in respect of the insertion of any additional windows, doors or other openings in the side walls of the approved development has not been imposed. Given the height and nature of the boundary treatments would be subject to approval as part of the landscape scheme, the privacy of neighbouring occupiers only needs to be further safeguarded in respect of openings above ground floor level. In this regard, the Town and Country Planning (General Permitted Development) (England) Order 2015, requires that any upper-floor window located in a wall or roof slope forming a side elevation of the dwelling must be obscure glazed and non-opening below a certain level. Furthermore, the form and layout of the approved development would be unlikely to promote the future insertion of any doors or other opening above ground floor level. In this context, the suggested condition is not deemed to be necessary.

Conclusion

20. There are no material considerations that indicate the proposal should be determined other than in accordance with the development plan. The appeal is therefore allowed, subject to the attached schedule of conditions.

C J Ford

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan/Block Plan, and the following Proposed Plans which are all dated 24.03.2021; Ground Floor Plan, First Floor Plan, Loft Floor Plan, Roof Plan, Front Elevation, Proposed Street Front Elevation, Rear Elevation, West Elevation, East Elevation, Section A, Section B, Section C and Section D.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.
- 4) No development above damp proof course level shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100)
 - 1.b Written specification of planting and cultivation works to be undertaken
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - 2.a Refuse Storage

2.b Means of enclosure/boundary treatments

2.c Hard Surfacing Materials

2.d External Lighting

3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in accordance with the approved details.

- 5) Prior to the first occupation of the new dwelling hereby permitted, the north west facing first floor windows serving the bedroom and study area shall be obscure glazed and non-opening below a height of 1.8 metres measured from the internal finished floor level. The windows shall be retained in that form thereafter.
- 6) Prior to the first occupation of the new dwelling hereby permitted, details of an EV charging point, and secure and sheltered cycle parking/storage in accordance with the Council's adopted parking standards, shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be installed before the dwelling is first occupied and thereafter maintained.
- 7) The new dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the dwelling.

End of Schedule