



## Appeal Decision

Site visit made on 17<sup>th</sup> June 2024

**by Megan Thomas K.C. Barrister-at-Law**

**an Inspector appointed by the Secretary of State**

**Decision date: 9<sup>TH</sup> July 2024**

**Appeal Ref: APP/R5510/D/24/3341680**

**17 Floriston Avenue, Uxbridge UB10 9DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Ms Jesse Otway against the decision of the Council of the London Borough of Hillingdon.
- The application Ref. is 64095/APP/2023/3489.
- The development proposed is the “creation of a ground floor wraparound extension and part first floor side extension, with 2x new skylights.”

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in the appeal is whether, in respect of the living conditions for existing and future occupants of the appeal site, their private outdoor amenity space would be adequate.

### Reasons

3. The appeal site comprises a two-storey, semi-detached house located on the junction of Floriston Avenue and Oakleigh Road. It sits on a triangular plot facing onto the junction, with front, side and rear space. Its rear garden area is north-facing. There is off-street parking to the side, accessed via a crossover on Floriston Avenue.
4. The surrounding area is residential in character and made up of rows of terraced houses laid out on fairly consistent building lines. Many of the houses in the area have extensions of various types. The adjoining semi-pair at 1 Oakleigh Road has been extended to the side at ground floor level. The dwelling to the other side, 15 Floriston Avenue, has a two-storey side extension and a single-storey rear extension.
5. The appellant indicates that the dwelling has two usable bedrooms and a third very small bedroom. With the proposed development in place it would increase the number of bedrooms to five. The private outdoor amenity space at the rear would reduce as a result of the proposed extensions and it would be approximately 45sqm.

6. In relation to amenity space in this particular appeal, the Council considers that policy DMHB 18 of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies (adopted 2020) is pertinent. This requires 4+ bedoomed dwellings to have at least 100sqm of private outdoor amenity space. However, policy DMHB 18 states that its requirements relate to "all new residential development and conversions". Whilst it might be said that an extension to a dwelling does create new residential floorspace and is, in that sense, "new residential development", I am mindful that there is a specific policy in the same Local Plan governing extensions to residential development.
7. This is policy HMHD 1 of the London Borough of Hillingdon Local Plan: Part 2 – Development Management Policies. Part A (vi) of that policy stipulates that planning applications relating to alterations and extensions of dwellings will be required to ensure that 'adequate garden space is retained'. This is found in Appendix A of the Local Plan which states "*This section of the Local Plan provides policies and guidance that will be used to assess proposals for the most common forms of householder development that require planning permission including residential extensions.*" In my view, this is the policy to give most weight to in this particular appeal.
8. The policy and supporting text does not define the term 'adequate garden space'. It is a matter of planning judgement in this case to assess if, in all the circumstances, adequate garden space is retained. The garden or private amenity space would be about 45sqm. This, to my mind, is a size which would adequately serve a one or two occupant household. It would not be adequate to serve a five bedoomed dwelling. In addition to this in this case the space would be triangular in shape, which is not a particularly useable shape for active recreation and it would be north-facing and so unlikely to get much sunlight. I acknowledge that on-site passive recreational activity such as sitting out, or moderately active activity such as gardening could take place but bearing in mind it would have to serve a five bedoomed dwelling it would be, overall, inadequate.
9. The appeal site is located close to a local public park but that opportunity for recreation does not outweigh the factors that would render it inadequate as private amenity space once the proposed development is in place. The appellant is of the view that a homeowner should be given some flexibility to make their own decisions about the balance of internal and external space. However, I am obliged to consider the quality of the housing stock for future (as well as existing) occupants and, even with a flexible approach, I am not persuaded that in all the circumstances the private amenity space would be adequate. I have borne in mind what garden size is broadly typical of other 'wedge' sites on junctions in this area but I can only give that limited weight given that the number of bedrooms in each dwelling is a pertinent factor in assessing adequacy.
10. I conclude therefore that, in respect of the living conditions for existing and future occupants of the appeal site, their private outdoor amenity space would not be adequate. As a result, living conditions would not be acceptable. The proposed development would also be in conflict with policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (adopted 2012) and policy DMHD 1 of the Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020).

## **Conclusion**

11. Having considered all relevant representations, for the reasons given above, I dismiss the appeal.

*Megan Thomas K.C.*

**INSPECTOR**