



Appeal Decision

Site visit made on 5 June 2026

by Timothy Parton BA(Hons) MPLAN MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th August 2026

Appeal Ref: 6005469

10 Lawn Avenue, West Drayton UB7 7AQ

- 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 Nimesh Ghedia against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 77359/APP/2025/2851.
 - The development is described on the application form as a 'new build single dwelling house'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the proposed development on the character and appearance of the area;
 - ii. whether the proposal would afford suitable living conditions for future occupants, with particular regard to accessibility along with internal and external space;
 - iii. whether the proposal would make adequate provision for parking; and
 - iv. the effect of the proposal on highway and pedestrian safety.

Reasons

Character and appearance

3. The proposed development would front onto and take access from Sunray Avenue, a verdant suburban street characterised by street trees and grassed verges separating the road from the pavements. Sunray Avenue is located within the Garden City West Drayton Area of Special Local Character (ASLC), which is afforded protection through Policy DMHB 5 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (2020) (the Part 2 Plan). The area is predominantly composed of large detached dwellings of a variety of designs which maximise the width of plots, and dwellings are set back from the road by generous front gardens and driveways. Although gaps between properties are relatively small, the scale of the dwellings, the extent of front and rear garden space, and the overall suburban form of development combine to give the street a spacious, low-density character and appearance. While No 10 Lawn Avenue is a corner plot with a different dwelling and plot orientation, it maintains these

identified characteristics. As such, its relationship with its plot and surroundings contributes positively to the character and appearance of the ASLC.

4. While there is limited uniformity in the detailed design of dwellings along the street, the proposed dwelling would be markedly smaller than surrounding properties, occupying a narrow plot with significantly less rear garden space and a smaller front garden and driveway. Although the proposed dwelling has been designed to appear subordinate to the existing property, it would nevertheless constitute a separate residential unit rather than an incidental domestic outbuilding. Given its form, associated parking provision and defined plot, it would be readily perceived as an independent dwelling within the street scene. Consequently, the proposed development would appear incongruous, cramped and contrived in the context of the prevailing pattern of development, causing harm to the character and appearance of the area.
5. The appellant states that the design draws on local features relating to rendering, roof form, and materials. Furthermore, the appellant states that the proposal would result in a significant visual improvement to the local street scene through the removal of the existing shed and garage, which are described as dilapidated. However, as ancillary structures associated with the main dwelling and garden, these buildings appear typical within this context. It is not unusual for such structures to exhibit signs of age, and their presence does not give rise to any material harm to the character or appearance of the street scene.
6. Consequently, the proposed development would conflict with Policy BE1 of the London Borough of Hillingdon Local Plan Part 1 Strategic Policies (2012) (the Part 1 Plan), Policies DMHB 5, DMHB 11, and DMHB 12 of the Part 2 Plan and Policy D3 of the London Plan (2021) which, amongst other things, requires new development to respect and reflect the character of the area, respond positively to local distinctiveness, harmonise with and enhance local context, and integrate well with the surrounding area.
7. The proposed development would also conflict with relevant sections of the National Planning Policy Framework (2024) (the Framework) including paragraphs 129 and 135, which, amongst other things, seek to reduce harm from the development of residential gardens, maintain the prevailing character and setting, and ensure developments are sympathetic to local character.
8. The Council has referred to Policy DMH 6 of the Part 2 Plan in relation to character and appearance. However, the proposed dwelling would be located largely on the footprint of the existing garage and would result in only a limited reduction in the garden area serving No 10. Consequently, I do not find that the loss of garden land would, in itself, result in harm to the character or appearance of the area. The Council has not identified that the loss of the garage would adversely affect local character, and the resulting loss of amenity space and biodiversity would be limited. Furthermore, the evidence before me does not state that the proposal would harm neighbouring residential amenity or privacy, including through noise or light associated with vehicular access. The site would not constitute backland development involving a long access road, and there would be minimal loss of trees, shrubs, or wildlife habitat. Consequently, I find that the proposal would accord with Policy DMH 6 of the Part 2 Plan, which sets out a presumption against the loss of garden land, except in specified exceptional circumstances.

9. The Council also referred to Policies D1 and D6 of the London Plan in relation to character and appearance. Policy D1 relates to the preparation of area assessments by local authorities and is not therefore determinative of the matter before me. Policy D6 relates to housing quality and standards relating to living conditions. This is considered below.

Living conditions of future occupants

10. Policy D7 of the London Plan requires dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. The Plan states that in exceptional circumstances, including small-scale infill developments, some flexibility to the application of this requirement can be applied.
11. The proposal has a split-level arrangement and does not provide step-free access between floors. The parties agree that requirement M4(2) would not be met, and I concur. I note comments that the split-level design arises from the need to reduce the height, bulk, and visual impact of the development, and that non-compliance is therefore justified to avoid greater design harm. I also note that it is suggested that the dwelling could accommodate future adaptations, such as the installation of a platform lift or stairlift.
12. However, my assessment must be based on the proposal as submitted, which does not provide step-free access. I find that the failure to comply with requirement M4(2) arises from the constrained and contrived layout of the scheme, which seeks to accommodate development on a site of insufficient size to meet policy requirements. In these circumstances, the application of flexibility is not justified. The proposal therefore conflicts with Policy D7 of the London Plan, the requirements of which are set out above.
13. I have been referred to appeal decision APP/E5330/W/24/3353249. However, that appeal concerned a flatted development in a different London borough and considered the reasonableness of planning conditions relating to accessibility (rather than the requirements of policy). The circumstances of that case are materially different, and it therefore does not provide any meaningful comparisons to the matters before me.
14. In respect of internal living space, while the combined living, dining, and kitchen area would not meet the minimum requirements of the Housing Design Standards London Plan Guidance (2023) (LPG), I note that the proposal would meet the overall gross internal area (GIA) standards of the London Plan. I note comments regarding the quality and usability of the proposed dwelling, particularly in relation to outlook, daylight, and sunlight to the bedroom. The bedroom would benefit from a window facing the rear garden and doors opening onto an external patio area. Although the outlook from these openings would be at a low level, I have no reason to conclude that they would fail to provide a reasonable level of outlook, daylight, or sunlight (accepting that such levels may be more attractive to certain occupants than others). Consequently, I find that the proposal would comply with Policy DMHB 16 of the Part 2 Plan and Policy D6 of the London Plan which, amongst other things and taken together, set internal space standards for new development and require the design of development to provide sufficient daylight and sunlight.

15. In respect of private external amenity space, I note that the proposal would meet the standards set out in Policy DMHB 18 of the Part 2 Plan only through the inclusion of a subterranean patio area. Given its limited size and restricted outlook, this space would not provide a good quality and usable outdoor area. The rear garden would also be relatively small and enclosed by surrounding development, far more so than is the case of the prevailing layout. I was unable to identify any dwellings in the immediate vicinity with comparably limited arrangements as is proposed here. Furthermore, there would be overlooking from second-storey windows at No 10 into the proposed rear garden at relatively close proximity. While I note the suggestion that obscure glazing could be used as a mitigation measure, it is possible that this could impact upon living conditions within the affected rooms of No 10.
16. For these reasons, the proposed development would not provide good quality and useable private outdoor amenity space. Consequently, the proposed development would not accord with Policy DMHB 18 of the Part 2 Plan which, amongst other things, requires all new residential development to provide good quality and useable private outdoor amenity space in accordance with prescribed standards.
17. The proposal would also conflict with paragraph 135 of the Framework which, amongst other things, seeks to ensure that new development creates a high standard of amenity for future occupants.

Parking

18. I note that, during the course of the application, amended plans were submitted to confirm the provision of two additional off-street parking spaces for the existing dwelling. As a result, the proposed parking provision for both the existing and proposed dwellings would accord with the maximum parking standards set out in Policy DMT 6 of the Part 2 Plan. I also note that Policy T6.1 of the London Plan applies a lower maximum car parking standard to the proposal. However, the difference amounts to only 0.5 of a space and, having regard to the site's Public Transport Accessibility Level (PTAL) of 1b, indicating very poor access to public transport, it is appropriate in this instance to apply the local parking standards contained within the Part 2 Plan.
19. Accordingly, the proposal would comply with Policy DMT 6 of the Part 2 Plan which, amongst other things, sets out local parking standards. While the proposal would exceed the London Plan parking standard, for the reasons given above this would not result in any identified harm and is therefore acceptable.

Highway and pedestrian safety

20. In respect of site access, I note that since the submission of the application a new vehicular crossover has been implemented, providing a significantly wider access to the site. However, this crossover is not shown on the submitted plans and it is therefore unclear whether it is of sufficient width to serve both the existing and proposed dwellings. In addition, no visibility splays are presented on the submitted plans or in the Transport Statement (2025) to demonstrate that safe access to and from the site would be achieved.
21. It has not therefore been demonstrated that the access arrangements would ensure the safety of highway users and pedestrians, in line with the Hillingdon Domestic Vehicle Footway Crossover Policy (June 2022), which sets out minimum

requirements for visibility splays. On the basis of the evidence before me I cannot be satisfied that the scheme would accord with paragraphs 116 and 117 of the Framework which, amongst other things, seek to minimise conflicts between pedestrians, cyclists, and vehicles, and state that development should be refused where it would result in an unacceptable impact on highway safety.

Other Matters

22. The proposal before me follows, and attempts to improve upon, a previously unsuccessful application (ref. 77359/APP/2024/2375). Nevertheless each proposal must be determined on its merits, and that a scheme has been amended does not indicate that it would be acceptable.
23. The site is located within an established residential area in a zone of low flood risk. The proposal would make efficient use of land, would provide a policy-compliant amount of parking, and would not adversely affect important trees. Furthermore, there would be no unacceptable effects in relation to structural stability, groundwater conditions, archaeological interest, or the living conditions of neighbouring occupants. A lack of harm in these respects is neutral and thus weighs neither for nor against the proposal.
24. In developing a small site the proposal would accord with Policy H2 of the London Plan which, amongst other things, supports the development of sites below 0.25 hectares in size. The provision of housing itself would have social and economic benefits. I acknowledge that the proposal is intended primarily to accommodate the appellants' elderly parents, enabling them to live independently whilst remaining close to family support. Nevertheless, I have been provided with no mechanism to secure its occupation for that purpose, and the intentions of the occupants of No 10 or of the proposed dwelling may change over time. I have therefore attached only limited weight to this consideration.

Conclusion

25. While I have identified some benefits and compliance with some aspects of the development plan, they do not outweigh the harm that would result. I note that the support in the development plan, and the support in the Framework, for new housing is not unconditional. The proposal would conflict with the development plan when taken as a whole, as well as policies within the Framework.
26. Having considered the development plan as a whole, along with all other relevant material considerations, for the above reasons the appeal should be dismissed.

Timothy Parton

INSPECTOR