
Appeal Decision

Site Visit made on 5 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 November 2021

Appeal Ref: APP/R5510/W/21/3271482

63 Victoria Avenue, Uxbridge UB10 9AH

- 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 S Chatur against the decision of London Borough of Hillingdon.
 - The application Ref 8499/APP/2020/2967, dated 17 September 2020, was refused by notice dated 23 November 2020.
 - The development proposed is a one bed self contained unit from existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The decision notice referred to policies from the London Plan (2016). These have subsequently been replaced by the London Plan 2021 and the new National Planning Policy Framework 2021 (the Framework) has been published. I have asked both parties for comments on the publication of both of these documents and have had regard to comments from the main parties in regard to these publications.

Main Issue

3. The main issue is whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to internal space and private amenity space.

Reasons

4. The appeal site is located at the intersection of Victoria Avenue and Ryefield Avenue, and accommodates a two-storey end of terrace dwelling. The host dwelling benefits from a two storey side extension, within which the proposal would be accommodated.
5. The Council has calculated that the proposal would have a gross internal area of 50 square metres spread over two floors, with the appellant arguing that the area to be provided would be 53.12 square metres. The nationally described space standards¹ (NDSS) provides guidance on the minimum internal space requirements for dwellings, with 58 square metres set as the minimum standard for a one-bedroom two-storey dwelling. Policy D6 of the London Plan (LP) and Policy DMHB 16 of the Local Plan² requires that housing developments

¹ Technical housing standards – nationally described space standard (March 2015)

² London Borough of Hillingdon Local Plan Part 2 Development Management Policies (January 2020)

be of a high quality and provide adequately sized rooms. These policies also echo the space standards contained within the NDSS.

6. Given that the NDSS, LP and Local Plan figures are minimum standards which are intended to act as a benchmark for high quality design, the shortfall in the proposed floorspace provision is not appropriate, and the proposal would provide unsatisfactory living conditions for future occupiers. Additionally, whilst it is noted that the description of development stated the proposal is for a one-bedroom dwelling, the upstairs layout details a study/workshop with access to a balcony. If this were used as an additional bedroom, neither bedroom would meet the space standards contained within the NDSS, LP and Local Plan with regards to a double room and the floor space would fall considerably below the 70 square metres required for a two-bedroom two-storey dwelling. Nevertheless, I have already found harm to the living conditions of future occupiers when considered under the one-bedroom standards.
7. Reference has been made to a historic consent for an extension and roof space conversion, however no information or plans have been submitted. In any event, this appears to be for alterations to the existing dwelling and not permission for a separate dwelling and therefore has little weight in the determination of this appeal.
8. During my site visit I noted that the rear garden of the appeal site contained a number of outbuildings and an extension that do not appear on the submitted plans. As such, whilst the plans demonstrate that the rear garden can be subdivided to provide private amenity space for the proposal, I am unable to assess whether the space provided would be adequate for two dwellings.
9. I conclude that the proposed development would not provide appropriate living conditions for future occupiers with regards to internal and external amenity space. Therefore, it would not accord with Local Plan policies DMHB 16 and DMHB 18 and London Plan Policy D6 which, amongst other things, seek to ensure that development is of a high quality design that provides adequate internal and external amenity space. It would also not meet the aims of paragraph 130 of the Framework in terms of ensuring that development has a high standard of amenity for future users.

Other Matters

10. Local Residents have raised concerns on highway safety, the character of the area and impact of the proposal on drainage but these are matters which do not affect my findings on the main issue.

Conclusion

11. For the above reasons, there are no relevant material considerations, including the approach of the Framework, that would indicate a decision otherwise in accordance with the development plan. It is for this reason that the appeal should be dismissed.

Tamsin Law

INSPECTOR