



# **Appeal Decision**

Site visit made on 4 September 2024

**by V Goldberg BSc (Hons) MSc MRTPI**

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

**Decision date: 15 October 2024**

**Appeal Ref: APP/R5510/W/24/3342306**

**31 Manor Road, Hillingdon, Hayes UB3 2DG**

- 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 Mr Bhajan Lal against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 954/APP/2024/97.
- The development proposed is described as extensions to existing dwelling and erection of new dwellinghouse.

## **Decision**

1. The appeal is dismissed.

## **Preliminary Matters**

2. The appellant has submitted amended plans as part of their appeal. The procedural guide for planning appeals advises that the appeal process should not be used to evolve a scheme, as it is important that what is considered by the Inspector at appeal, is essentially the same scheme that was considered by the local planning authority and by interested parties at the application stage.
3. Established case law states that, in considering whether, or not, to accept amendments to a proposal during the appeal process, it must be considered whether the proposed change involves a "substantial difference" or a "fundamental change" to the application and whether the proposed amendments would cause unlawful procedural unfairness to anyone involved in the appeal.
4. The amended drawings address reasons three and four in the decision notice. Specifically, the drawings denote the removal of an access, parking space, and alterations to the proposed private garden area serving the new dwelling house. These are material matters affecting the determination of this appeal and the changes have not been consulted upon.
5. I find that neither part of the necessary tests set out in the relevant case law has been satisfied and so I am unable to accept the amendments. Accordingly, I have determined the appeal having regard to the same proposal on which the Council made its decision.

## **Main Issues**

6. The main issues are:

- the effect of the proposed development on the character and appearance of the area;
- the effect of the proposed development on the living conditions of future occupants of the proposed dwelling in respect of the provision of private amenity space; and
- highway safety and cycle parking provision.

## **Reasons**

### *Character and appearance*

7. The appeal site is an end of terrace property within a terrace of four dwellings. The properties at each end, have projecting gables and marginally wider plots compared to the mid terraced dwellings. This results in the terrace having a pleasing symmetry. Plot widths and depths along Manor Road are well proportioned and appear consistent or respect the pattern within each terrace. These features positively contribute toward local distinctiveness within this street scene.
8. The appeal site has a modest rear garden that aligns with the length of the other gardens in the road. Whilst the subdivision of the plot does not result in the loss of land, it would reduce the garden area serving 31 Manor Road. The width and depth of the garden serving the main property would be reduced to provide a garden to serve the proposed dwelling and a parking area to the rear. As a result, the remaining garden area for the property would be significantly shorter and narrower than other properties on Manor Road and this would negatively affect the prevailing character and appearance of the area.
9. Whilst the proposed dwelling would appear as a continuation of the terrace and would not breach the Manor Road building line, it would unacceptably disrupt the symmetry of the terrace and appear as a cramped and contrived addition. This is because the width of the proposed dwelling would be particularly narrow and out of keeping with the prevailing plot width and pattern of development in this part of Manor Road.
10. The dwelling would be set back from the front building line to maintain the prominence of the projecting gable and set in from the boundary with Addison Way. This would add to the cramped feeling of the dwelling within the plot, emphasising its contrived incongruous nature.
11. My attention has been drawn to the dwelling approved to the side of no 32. This approval is not comparable to the development proposed as it has a design that is in keeping with the width, proportions, and appearance of the adjoining dwellings and the character and appearance of the area. Given that this development is materially different from the appeal scheme, the relevance of this decision is limited, and it would not sufficiently justify the appeal scheme. I have therefore considered this appeal on its own merits.

12. Reference is also made to the fallback position of the extant planning permission for a two-storey side extension (954/APP/2023/1922). There is a real prospect that this permission will be implemented. The appellant considers that the scale of the approved extensions are in keeping with the proposed development. However, the differences in design are material. The approved scheme would be subservient to the main dwelling appearing as an obvious extension to the main property. This is in part due to the first floor of the extension being set back significantly from the principal elevation. In contrast, the proposed development is not set back at first floor level. Additionally, the front door and added window within the front elevation, and subdivision of the garden result in the development appearing as a contrived dwelling, as opposed to a well-proportioned two-storey extension. The extant permission would therefore have a less harmful effect on the character and appearance of the area, as such it does not provide sufficient justification for the appeal scheme.
13. For the reasons identified above, I conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. The proposed development is therefore contrary to the relevant provisions of Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies<sup>1</sup>(HLP1), Policies DMH6, DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two- Development Management Policies<sup>2</sup> (HLP2), Policy D3 of the London Plan 2021 and the National Planning Policy Framework (the Framework). These policies, amongst other things require development to achieve a high quality of design which enhances local distinctiveness, maintains prevailing character and respects plot sizes and widths.
14. The Council refer to Policy DMHB 14 of the HLP2 which relates to trees and landscaping, however, it is not sufficiently clear from the evidence before me, what impact the proposed development would have on trees. I have therefore not referred to this policy in coming to my overall findings on this main issue.

#### *Living Conditions*

15. To comply with Policy DMHB18 of the HLP2 the proposed dwelling would need to be served by a minimum private outdoor amenity space of 60sq.m. The supporting text to this policy details that 'private outdoor space will be required to be well located, well designed and usable for the private enjoyment of the occupier'.
16. Whilst drawing 104 is annotated to suggest that the proposed garden area would measure 60sq.m, the Council note that it measures 50sq.m. The difference of 10sq.m appears to be a result of the provision of the visibility splay shown on the drawing, which cuts off the corner of the garden area. Given that the garden area will be demarcated, and the visibility splay area would be excluded, this area would not be usable for the enjoyment of future occupiers. As such the garden area would fail to meet the minimum space standard and therefore be insufficient for the needs of future occupants, whom would reasonably expect a larger garden for a property of this type and size.

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<sup>1</sup> Adopted 2012

<sup>2</sup> Adopted 2020

17. For the reasons identified above, I conclude that the proposed development would result in unacceptable harm to the future occupants of the proposed dwelling in respect of the provision of private amenity space. It is therefore contrary to Policy DMHB18 of the HLP2 and the Framework which, amongst other things require development to achieve a high standard of amenity by providing sufficient private amenity space for occupiers.

*Highway Safety and cycle parking*

18. The appeal site is positioned on the corner of Manor Road and Addison Way. An existing vehicle crossover on Addison Way provides access to the rear garden of the appeal site. To the front of the property there is an existing crossover, the appeal scheme proposes a second crossover in front of the proposed new dwelling.
19. The Highway Authority have advised that the proposed crossover would not comply with the London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy 2022 (DVFC). This is because the crossover is positioned within 5m of an existing road junction. As a result, vehicles would be required to reverse out into the junction which would be detrimental to highway and pedestrian safety.
20. Whilst the crossover and car parking space is proposed to comply with the Council's adopted parking standards, compliance with the standards should not come at the expense of highway safety.
21. Two cycle parking spaces are proposed within the rear garden of the proposed dwelling. The London Plan Cycling Design Standards (LCDS) advises that cycle parking should be well located close to the entrance of a property avoiding any obstacles. Whilst the Council consider the proposed location unacceptable, in this case, the position adjacent to the unimpeded existing crossover on Addison Way seems logical and practical for future users to access bikes and come and go from the site.
22. For the reasons identified above, I conclude that the proposed development would unacceptably harm highway safety. It is therefore contrary to policy DMT2 of the HLP2, Policy T4 of the London Plan and the Framework, insofar as they require development to have safe and efficient vehicular access to the highway network.
23. The Council refer to policies DMT1, DMT5, DMT6 of the HLP2, policies T2, T6 and T6.1 of the London Plan. Both DMT1 and DMT5 of the HLP2 and Policy T2 of the London Plan reference accessibility for cyclists and cycle parking, but I have found the proposed provision of cycle parking at the site to be satisfactory. As such the appeal scheme is compliant with these policies insofar as they relate to the provision of cycle parking.

**Other Matters**

24. Whilst the proposed development is a small windfall site which seeks to provide a more efficient use of a residential plot widening the choice and type of homes within a sustainable urban area, given the quantum of development this benefit would be limited and should not come at the expense of the harm identified. Accordingly, the harm would not be

outweighed by the benefits to tip the planning balance in the appeal scheme's favour.

**Conclusion**

25. The proposal conflicts with the development plan when taken as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. I therefore conclude that the appeal should be dismissed.

*V Goldberg*

INSPECTOR