
Appeal Decision

Site visit made on 25 October 2016

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2016

Appeal Ref: APP/R5510/W/16/3152126

**Land to the rear of 115-117 Hallowell Road, Northwood,
Middlesex HA6 1DY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Peter Koeller of VDBM against the Council of the London Borough of Hillingdon.
 - The application Ref 68865/APP/2015/4684, is dated 18 December 2015.
 - The development proposed is two, 2/3 bedroom semi-detached dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for two, 2/3 bedroom semi-detached dwellings at Land to the rear of 115-117 Hallowell Road, Northwood, Middlesex HA6 1DY in accordance with the terms of the application, Ref: 68865/APP/2015/4684, dated 18 December 2015, subject to the conditions in the attached schedule.

Procedural matters

2. Although this appeal is against the failure of the Council to give notice of its decision on the application within the prescribed period, I have received as part of the Council's submissions an unsigned and undated officer's report which sets out that, had the Council been in a position to determine the application, it would have refused planning permission for reasons relating to: (1) harm to the character and appearance of area and to the character and appearance of the Old Northwood Area of Special Local Character; (2) the effect on the living conditions of the occupiers of the neighbouring properties at 113 Hallowell Road and 1 Reginald Road; and (3) the effect of the development on highway safety in the vicinity of the appeal site. I have therefore determined the appeal on the basis of these putative reasons for refusal.

Main Issues

3. The main issues in this appeal 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 the occupiers of neighbouring residential properties at 113 Hallowell Road and 1 Reginald Road with particular regard to privacy and outlook; and
-

- The effect of the development on highway safety.

Reasons

Character and appearance

4. When read together, Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (HLP) and Policies BE13 and BE19 from Part 2 of the HLP, which are Saved Policies from the earlier Hillingdon Unitary Development Plan 1998 (UDP), seek to ensure that new development is of a high standard of design, that maintains the quality of the built environment, has regard to the existing street scene, and complements and improves the character of the area. More detailed advice on residential development is provided in the Hillingdon Design and Accessibility Supplementary Planning Document 2008 (HDAS), which has to be read alongside these general design policies.
5. The site lies within the Old Northwood Area of Special Local Character and UDP Policy BE5 requires that within such areas new development should harmonise with the materials, design features, architectural style and building heights predominant in the area. The area of special local character is a local designation, and it can be considered as a non-designated heritage asset.
6. The National Planning Policy Framework (the Framework) requires that the effect of a proposed development on the significance of a non-designated heritage asset should be taken into account when determining the application or appeal. No evidence has been submitted by either party in respect of the significance of the area of special local character. The area consists predominantly of two storey residential properties with the exception of High Street which has commercial premises with residential accommodation above on its east side. There is a diverse range of building forms, designs, materials and heights within the identified area, however, common architectural features, solid to void ratios and window proportions, combined with the majority of buildings being of similar ages, give the area a degree of architectural coherence.
7. The proposed dwellings incorporate design cues and features from the surrounding architecture, and would have similar window proportions and solid to void ratios to these buildings in addition to details such as arched doorway openings, stone window surrounds and chimneys. I have had regard to the Council's point regarding the architectural approach taken to the proposed buildings in relation to the different ages of buildings in Reginald Road and Hallowell Road. Due to the bend in Reginald Road the proposed new dwellings would not be seen in the same context as the dwellings on the west side of the street. Additionally, the first house on the west side of Reginald Road, beyond the appeal site is a modern insertion which would separate the proposed dwellings from the older buildings. This also skews the building line on this side of the street, and consequently the building line is less evident at the appeal site.
8. I also note the Council's points in respect of the gabled roof and the height difference between the proposed dwellings and the neighbouring properties. Whilst there are a number of houses with hipped roofs in Reginald Road there are also a significant number with gabled ends. Within the surrounding area there is a range of building heights and there is not a strongly evident ridge line. The proposed new dwellings would have sufficient shared characteristics

with the existing buildings in the area that the development would be consistent with its character and appearance. For the same reason, the proposed development would be consistent with the character and appearance of the Old Northwood Area of Special Character.

9. The HDAS provides advice on backland developments, and whilst the appeal site is land that was historically part of a garden area, its location is such that it has a road frontage and would form part of a street scene and in this respect is not a typical tandem or backland development. With a site area of approximately 336 m², the site exceeds the 80 m² minimum size that The HDAS states would be acceptable for backland development. The HDAS also requires that 2-3 bedroom houses have a minimum of 60m² amenity space. Whilst the amenity space for the proposed properties would be located to the side rather than the rear, it exceeds the minimum requirement of the HDAS. This, in combination with the separation between the proposed new houses and the existing properties to either side, would not lead to a cramped form of development.
10. I therefore find that the development would not cause harm to the character and appearance of the area or to the character and appearance of the Old Northwood Area of Special Local Character. It would comply with the relevant requirements of HLP Policy BE1; Saved Policies BE13 and BE19 of the UDP and the guidance in the HDAS which seek to ensure that new development is of a high standard of design that has regard to its context and maintains the character of areas of special local character. It would also be consistent with the requirements of the Framework which seeks a high standard of design in all new developments.

Living conditions

11. The proposed houses would be located approximately 18 metres from the rear elevations of the houses at 115-117 Hallowell Road and although there are windows in the gable wall facing these properties at ground floor level the existing boundary fences would prevent any overlooking. At first floor level, there is a window that serves a landing and this is proposed to be opaque glazed which would also prevent any overlooking. The development would be set forward from the house at 1 Reginald Road and due to the relative positions of the houses there would not be any overlooking from the windows in the gable of the proposed new houses.
12. Although the development would be set forward of the house at 1 Reginald Road the main, two storey, section would be approximately 8.5 metres from the boundary. The proposed houses would be 0.6 metres taller than the neighbouring property, however, due to the separation distance, this would not have a material effect on the perceived height of the building. Whilst the new houses would be visible in oblique views from windows on the frontage, the distance from the common boundary, combined with the distance that number 1 Reginald Road is set behind the proposed development, would not in my view, result in a significant effect on the outlook from 1 Reginald Road or appear excessively overbearing.
13. It is common ground between the parties that the proposed new houses would not have an adverse effect on the privacy of the occupiers of number 113 Hallowell Road. The proposed new houses would be located approximately 1.2 metres from the boundary fence of 113 Hallowell Road. The HDAS does not set

a minimum depth of gardens, although it does make it clear that adequate separation should be retained between existing and proposed buildings to avoid adverse impacts on adjacent houses. The proposed new houses would meet the required minimum of 15 metres separation from the main rear wall of 113 Hallowell Road.

14. Although the proposed houses would be close to the garden of number 113, within this garden at the point where the new houses would be adjacent to it, there is a small outbuilding with a group of trees behind it. Whilst recognising that these are not necessarily permanent features, they would reduce the effect that the new houses would have on the garden area. Additionally the garden area of number 113 is sufficiently large that any effect that the new houses would have would be limited to part of the garden area. Of itself, this would not be sufficient justification to refuse planning permission. Due to the relative positions of the proposed new houses and number 113 Hallowell Road, the proposed houses would result in a small degree of overshadowing of the rear of number 113, although this would be limited to the early morning and, again, would not be so excessive as to justify refusing planning permission.
15. I therefore conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring residential properties. It would comply with the relevant requirements of Saved Policies BE20, BE21, BE22 and BE24 of the UDP and the guidance in the HDAS which taken together seek to ensure that new development protects the living conditions of existing occupiers. It would also be consistent with the guidance in the Framework which seeks a good standard of amenity for all occupiers.

Highway safety

16. It is not in dispute between the parties that the proposed level of on-site parking provision is sufficient and meets the Councils car parking standards. The principal concern expressed is with regard to the visibility that can be achieved from the proposed vehicular hardstandings within the site. The Council states that 2.4 by 43 metre sightlines would be required. This equates to the recommended stopping sight distance for a road where traffic is travelling at 30 mph as set out in The Manual for Streets 2007. This stopping sight distance is based on an 85th percentile, wet weather, speed. No evidence has been submitted by either party with regard to the speed of traffic on Reginald Road.
17. I saw on my sight visit that whilst Reginald Road has a relatively wide carriageway width, this is constrained by parked vehicles on both sides. Whilst two vehicles can pass, the reduced carriageway width would result in slower speeds. Additionally, Reginald Road has a fairly sharp bend immediately to the north west of the appeal site, which would, similarly, result in a reduction in speeds at this point as forward visibility is reduced. In the absence of any evidence to the contrary and from what I saw on site, as a consequence of the restricted carriageway width and road geometry, I consider that the 85th percentile speed is likely to be well below 30 mph. This would allow for a stopping site distance of less than the 43 metres suggested by the Council. Research carried out for Manual for Streets 2 2010 (MfS2) was unable to demonstrate that road safety concerns regarding reduced visibility distances are directly associated with increased collision risk, and MfS2 states that unless

there is local evidence to the contrary, a reduction in visibility below the recommended levels will not necessarily lead to a significant problem.

18. I also saw that there is an existing vehicular crossing with associated carriageway markings at the north east end of the site, which is closer to the bend in the street than the proposed new vehicles crossing.
19. At the time of my visit, Reginald Road was very lightly trafficked. Whilst, this is necessarily just a snapshot of road conditions, because it does not link major roads and primarily serves a limited number of residential properties, Reginald Road is not likely to carry substantial volumes of traffic. It is proposed to set back the rear garden fences 1.2 metres from the site boundary and have a low wall on the site frontage which would allow pedestrians to be seen by drivers egressing from the site and also allow pedestrians to become aware of vehicles exiting the site in sufficient time to react.
20. Within this context, whilst the north east access point to the site cannot achieve the recommended visibility requirements of MfS, the low volume of traffic and lower traffic speeds, would allow for a reduced level of visibility without compromising highway safety.
21. I therefore find that the proposed development would not cause harm to highway safety in the vicinity of the appeal site. It would comply with the relevant requirements of UDP Saved Policies AM7 and AM14 which seek to ensure that which seek to ensure that new development provides appropriate levels of parking and does not prejudice highway safety.

Other Matters

22. There is no substantive evidence that the proposed development would lead to an increase in flooding or that there is not sufficient capacity in the sewerage system. The proposed development meets the Councils requirements in respect of on-site car parking provision and on-street parking is not controlled in the area. I am satisfied that any additional parking requirement generated by visitors to the new houses would be capable of being accommodated within the vicinity of the appeal site. I have noted that the Council have not raised objections to the proposal on any of these grounds.
23. It is suggested that development of the site would create a precedent for further backland development. However, no directly similar or comparable sites to which this might apply were put forward. Each planning application and appeal must be determined on its own individual merits, and a generalised concern of this nature does not justify withholding permission in this case.
24. The Council have also raised objections within the context of development of a garden area. The appeal site has been severed from the properties that it originally served. The appellant states that this occurred in 1995 and that the site has been in separate ownership since this time. I saw on my site visit that the site was separated from 115-117 Hallowell Road by a high fence and that there was no access to it from these properties. It did not have the appearance of being a garden area associated with these properties and, consequently, I do not find the Council's argument that the development would result in the loss of garden land a persuasive one.

Conditions

25. I have had regard to the conditions that have been suggested by the Council. In order to provide certainty as to what has been granted permission I have attached a condition specifying the approved drawings. In order to ensure that the development is in keeping with the surrounding area it is necessary to attach a condition requiring samples of the materials to be approved. The application does not have full details of the means of enclosure and in order to ensure that the development is in keeping with the surrounding area and visibility from the vehicular hard standings is not obstructed it is necessary to require details of any proposed fences walls or hedges to be submitted for approval.
26. In order to ensure that there is adequate car parking for the new occupants and that access and egress to the parking areas can be safely achieved it is necessary to require the parking provision shown on the approved drawings is provided and kept available and that visibility splays are provided. The application contains very little detail in respect of landscaping proposals. In order to ensure that existing trees on the site are retained and incorporated into the development and that the development integrates with the surrounding area it is necessary to require that details of landscaping of the site are submitted for approval. The condition suggested by the Council is very lengthy and detailed given the small size of the site. I have therefore attached briefer conditions. As there are existing trees on the site which it is proposed to retain, the landscaping scheme should identify these and specify how they are to be protected during the development. Consequently, it is necessary that the landscaping condition be a pre-commencement one.

Conclusion

27. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed and planning permission granted subject to the conditions discussed above.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: VDN/01; VDN/02 Revision A; VDN/03 Revision A; VDN/04 Revision A; VDN/05; VDN/06 Revision A and VDN/07.
- 3) No development shall commence until there shall have been submitted to, and approved in writing by, the local planning authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 4) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 5) No development shall take place above the level of the damp proof course of the buildings until samples of all external facing materials have been submitted to, and approved in writing by, the local planning authority. The relevant works shall be carried out in accordance with the approved sample details.
- 6) The development shall not be occupied until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the buildings are occupied, or in accordance with a timetable agreed in writing by the local planning authority.
- 7) The access for the proposed car parking shall be provided with those parts of the 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions prior to the first occupation of the development, and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.
- 8) The car parking spaces shown on the approved drawing (VDN/02 Revision A) shall be provided prior to the first occupation of the development hereby approved and, thereafter, shall be kept available for the parking of cars at all times.