

Appeal Decision

Site visit made on 29 November 2016

by David Walker MA MRTPI

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

Decision date: 21st December 2016

Appeal Ref: APP/R5510/W/16/3158073

2 St Margaret's Avenue, Uxbridge, Hillingdon UB8 3HH

- 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 G Sokhi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 69131/APP/2016/17, dated 4 January 2016, was refused by notice dated 7 March 2016.
 - The development proposed is the erection of a detached bungalow (one bedroom) with off street parking and private amenity space involving proposed crossover and minor alterations to existing dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached bungalow (one bedroom) with off street parking and private amenity space involving proposed crossover and minor alterations to existing dwelling at 2 St Margaret's Avenue, Uxbridge, Hillingdon UB8 3HH in accordance with the terms of the application, Ref 69131/APP/2016/17, dated 4 January 2016, subject to the conditions in the attached Schedule.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) the effect of the proposal on the living conditions of the occupants of No 2 St Margaret's Avenue in relation to its scale and proximity and having regard to the availability of light and outlook; and
 - iii) the effect of the parking provision proposed on the safety of pedestrians, cyclists and drivers using Micawber Avenue.

Reasons

Character and appearance

3. Although the address of the appeal site is given as St Margaret's Avenue it is located with a frontage onto Micawber Avenue. The proposed bungalow would fill an undeveloped gap between the existing dwellings at No 2 and No 38b and would not amount to a backland form of development. It was also apparent at my site inspection that large gaps between properties are not a characteristic of the area, with many properties maintaining only a narrow gap.
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4. The loss of a tree and formation of a new vehicular access in the existing hedge would diminish the green and leafy character at this part of Micawber Ave, but not unduly so. New hedge planting in place of two existing entrances to be closed off would go some way to restoring the green character of the prominent corner boundary.
5. The Council has indicated that it has no objection to the design of the bungalow. I have no reason to disagree. There is a wide range of house designs in the vicinity and the design of the bungalow would be complimentary to the character of the existing dwellings of the area. With the depth of the frontage proposed and adequate spaces between properties I am satisfied that the proposal would result in a development that would respect the visual qualities of the area.
6. My attention has been brought to a recent planning permission at 1 St Margaret's Avenue. However, that development involves the demolition of the existing dwelling and I do not find parallels with the scheme before me. I have accordingly determined the appeal on its merits.
7. On this basis I find the proposal would not have a harmful effect on the character and appearance of the area. As a result it would accord with the requirements to achieve a high quality design having regard to the characteristics of context and street scene set out at Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 (the SP), saved Policies BE13, BE19 and H12 of the Hillingdon UDP 1998 (the UDP), and Policies 3.5, 7.1 and 7.4 of the London Plan 2015 (the LP) and associated guidance¹.

Living conditions

8. The proposal would be in close proximity to No 2 and the Council makes reference to the separation distances set out within the Hillingdon Design and Accessibility Statement 2006 (HDAS) supplementary planning document. However, the guidance relates to avoiding a harmful loss of light and outlook from two or more storey buildings.
9. No 2 is a dormer bungalow and the proposal only a single storey in height, and a gap of 5.5 m would be maintained between the two properties. I have no technical evidence before me of any harmful loss of light. Moreover, No 2 would maintain an unobstructed outlook to the west and north as a result of principal windows along these elevations. With the low overall height of the bungalow and hipped roof design I am satisfied that a harmful loss of light and an overbearing development would not result.
10. In the circumstances I do not find the application of the separation distances set out within the HDAS to be appropriate. While the appellant has offered to provide obscure glazing in the ground floor windows of No 2 facing the proposal, I do not find this to be necessary. With an obscure bathroom window in the proposed elevation facing No 2 and a 1.8 m close board fence I am satisfied that the privacy interests of the occupants of both dwellings would be satisfied at ground floor level.
11. However, obscure glazing would be necessary in the upper floor window of No 2 to ensure that opportunities for overlooking of the new dwelling and its

¹ Housing Supplementary Planning Guidance, Mayor of London 2012

private garden could not arise. Such a restriction would be reasonable with the reconfiguration of the existing internal space proposed.

12. On this issue, therefore, I find the proposal to have a satisfactory effect on the living conditions of the occupants of No 2. On this basis it would accord with saved Policies BE19, BE20 and BE21 of the UDP that seek to ensure that the amenities of residents are not harmed by development. It would also achieve a satisfactory design in accordance with Policy 3.5 of the LP.

Highway safety

13. The Council and interested parties have pointed to the potential for parking stress along Micawber Avenue. In response, the appellant has indicated the potential for a second parking space within the frontage of the proposed bungalow, whilst maintaining satisfactory levels of landscaping.
14. Such measures, as could be secured by a condition, would bring the proposal into accord with the Council's parking standards set out at saved Policy AM14 of the UDP and associated supplementary guidance. Additionally, the closing off of two of the existing entrances at No 2 would help to offset the loss of on-street parking from the formation of a new footway crossover.
15. Overall on this issue, I am satisfied that the proposed parking arrangements would not harm the safety of pedestrians, cyclists and drivers using Micawber Avenue. Accordingly, the proposal would comply with the highway safety considerations set down at saved Policy AM7 of the UDP, and associated guidance within the HDAS.

Other Matters

16. Interested parties have raised additional concerns in relation to access to existing properties, tree loss, overlooking, and disruption during development. I have nothing before me to contradict the position of no objection to the proposal from the local highways authority to indicate that access to other properties would be problematical. I note the Council has not raised any objection to tree loss and I have no reason to disagree with this position.
17. As the proposal would maintain the existing levels of separation between opposing properties I am satisfied that any harmful increase in overlooking is unlikely to arise. I acknowledge that some disruption is a risk of many building operations and in the event that this becomes harmful it is controlled by other forms of legislation.

Conditions

18. The appeal being allowed I have given consideration to the suggested conditions provided by the Council. Standard conditions identifying the implementation period and approved plans are required in the interests of certainty. To safeguard the visual interests of the area I find it necessary for the specification of external materials and finishes to be agreed prior to any development above base course level.
19. Given the contribution of the boundaries of the appeal site to the street scene I agree that further details of enclosures and a scheme for landscaping are necessary. It is reasonable to require such details to be approved and installed before first occupation of the new dwelling. To this I add the requirement for

details of car parking to be agreed in order to achieve satisfactory levels of provision. Such parking provision as agreed should be kept available at all times. I also acknowledge the appellant's proposal to obscure glaze the existing upper floor window of No 2 and agree that this is necessary to avoid harmful overlooking from arising.

Conclusion

20. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250); 12/02/SMH/101; 16/02/SMH/102; 15/02/SMH/103 Rev. A; 12/02/SMH/104; 15/02/SMH/105 Rev. A; 12/02/SMH/106; 16/02/SMH/107/A; and 16/02/SMH/108.
- 3) No development shall take place above base course level until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) No occupation of the dwelling hereby approved shall take place 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 before the building is occupied. Development shall be carried out in accordance with the approved details.
- 5) No occupation of the dwelling hereby approved shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,
 - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
 2. Details of Hard Landscaping
 - 2.a Refuse Storage (inc. elevations if appropriate)
 - 2.b Cycle Storage (inc. elevations if appropriate)
 - 2.c Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 - 2.g Other structures (such as play equipment and furniture)
 3. Living Walls and Roofs
 - 3.a Details of the inclusion of living walls and roofs
 - 3.b Justification as to why no part of the development can include living walls and roofs
 4. Details of Landscape Maintenance
 - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 4.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the

opinion of the Local Planning Authority becomes seriously damaged or diseased.

5. Schedule for Implementation

6. Other

6.a Existing and proposed functional services above and below ground

6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 6) No occupation of the dwelling hereby approved shall take place until the rear window at the upper floor of No 2 St Margaret's Avenue has been obscure glazed and fixed closed below a height of 1.8 m measured internally. The obscure and fixed closed glazing shall be retained for the lifetime of the dwelling hereby approved.
- 7) No occupation of the dwelling hereby approved shall take place until parking has been laid out within the curtilage of the dwelling in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The car parking spaces to be provided shall be kept available for the parking of a car at all times.
- 8) The access for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions 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.

End of schedule.