
Appeal Decision

Site visit made on 24 January 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 January 2017

Appeal Ref: APP/R5510/W/16/3162225

41 and Land to the rear of 37-41 Hallowell Road, Northwood HA6 1DT

- 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 Messrs Cowan and Nyman against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71937/APP/2016/2047, dated 29 May 2016, was refused by notice dated 31 August 2016.
 - The development proposed is the erection of a two storey three bedroom single family house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 43a Hallowell Road in respect of privacy.

Reasons

Site and proposal

3. The appeal site comprises an area of open land to the rear of residential property Nos 37, 39 and 41 Hallowell Road. The land is accessed via a drive to the side of No 41 Hallowell Road and is partly concreted and partly overgrown scrubland. There is a single storey dwelling (No 43a Hallowell Road) which is immediately to the south of the proposed dwelling. Apart from this dwelling, all other dwellings in the immediate area front onto Hallowell Road and have long, green and open rear gardens with mature tree/shrub planting. The site falls within part of a wider parcel of land which is designated as an "Area of Special Local Character" (ASLC) in the London Borough of Hillingdon Unitary Development Plan 1998 (UDP).
4. It is proposed to erect a two storey, three bedroomed dwelling with a south facing garden area and one car parking space. Two trees on the site would be felled.

Character and appearance

5. There is some dispute between the parties as to whether the site is previously developed or greenfield. The appellant has drawn my attention to some
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historic planning applications which indicates possible use as a builder's yard in 1976. He has also suggested that there was evidence of buildings on the site in 1935. Hence, the appellant considers that the site is previously developed. However, the Council asserts that the land has been used for garden purposes and hence is greenfield for the purposes of applying the definition of "previously developed land" in annex 2 to the National Planning Policy Framework (the Framework).

6. On the evidence that is before me, the lawful use of the land is not certain. Such certainty could have been established by means of the submission of a lawful development certificate application. However, I have not been provided with a lawful development certificate. In any event, I do not consider that this is a determinative issue as none of the Council's local planning policies (or the policies in the Framework) would place an absolute restriction on the development of this site for housing purposes, even if it were greenfied. The issue is whether or not the proposal would cause harm to the character and appearance of the area and to the living conditions of the occupiers of No 43a Hallowell Road.
7. The existing site is currently undeveloped. It includes some trees and part of it includes some rough vegetation. Whilst there has been no formal appraisal of the ASLC (and also there is no additional information in saved Policy BE5 of the UDP), I consider that that in general terms the site fulfils a positive function in so far as it forms part of a larger area of predominantly open and green land. Such land provides some welcome open relief to the otherwise built up two storey residential development which is focussed along main roads. The appeal site positively contributes to this distinctive character, particularly when viewed from the rear of the existing residential properties.
8. I recognise that in some of the existing rear gardens there are some small domestic buildings (sheds etc), but their limited size and scale means that they appear subordinate in scale to the host residential buildings. In the main, the gardens (and hence this part of the ASCL) remains open and green in character. The appellant has referred me to back land development elsewhere in the area such as at land off Hilliard Road. However, this site is some distance away from the appeal site, and I do not know the exact circumstances which led to this development being allowed. I have also considered the examples of "infill" developments depicted in red colour in appendix 1 of the appellant's statement. I acknowledge that there does appear to be some examples of back land or infill development elsewhere in Northwood, but the pattern of development along almost all of Hallowell Road is characterised by frontage properties with long/narrow gardens and open land to the rear. I have determined this appeal on its individual planning merits and taking into account the environment around the appeal site.
9. I acknowledge that a dwelling has been built immediately to the south of the appeal site (No 43a). It is understood that this has been in situ for some time. However, this is a single storey property (a chalet type bungalow) and so appears subservient in scale to No 43 Hallowell Road. Furthermore, such a property is positioned within a plot which follows the width of the plot belonging to No 43 Hallowell Road. In contrast, the proposed dwelling would be positioned within a wide (but not deep) plot which would spread across the rear boundaries of three existing residential plots. Furthermore, the proposal

- would not reflect the predominant pattern of development in the locality which consists of frontage dwellings with long and narrow gardens to the rear.
10. Overall, I consider that by virtue of the height and position of the proposed dwelling it would appear out of place and scale in its environment. Whilst a garden is proposed to the front (south elevation) of the property, which would exceed the Council's outside amenity space size standard, most of the dwelling would be built within very close proximity to its boundaries. Therefore, and unlike other dwellings in the locality, it would appear as a very cramped form of development at odds with the prevailing sense of space around existing dwellings.
 11. The appellant has included an extract from Eileen Bowlit (a local historian) from "Northwood through Time" which states "*a great many varied activities took place in the yards and spaces behind the houses in the High Street and surrounding roads*". I do not doubt that this was the case in years gone by. However, the scale of development shown in the accompanying photographs is much different to appeal proposal and, in any event, I am required to determine this appeal on the basis of the site conditions and environmental context that exists now.
 12. For the reasons outlined above, I conclude that the proposal would cause material harm to the character and appearance of the area. Whilst the proposed dwelling would not be seen from Hallowell Road, it would nonetheless be seen from the rear of a number of existing properties and from No 43a Hallowell Road. Even if the site were to be considered as previously developed land, this would not outweigh my overall conclusion on this main issue. The proposal would not accord with the design aims of Policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012; saved Policies BE5, BE13 and BE19 of the UDP; Policies 3.5, 7.1 and 7.4 of the London Plan 2016; The Mayor of London's adopted Housing Supplementary Planning Guidance 2016, and the Framework. I do not consider that policy H12 of the UDP is particularly relevant to this relates to matters of privacy and disturbance.

Living Conditions - No 43a

13. The design of the proposed dwelling is such that at first floor level most of the windows would serve non-habitable rooms and would be obscure glazed/non-opening. In this regard, the proposal would not cause harm in respect of any overlooking. I do not consider that there would be any adverse overlooking of neighbouring residential properties from proposed ground floor windows given their position and the height of the boundary treatments.
14. However, and notwithstanding the above, the windows to the proposed first floor "bedroom No 1" would not be obscure glazed and would be positioned in such a way that there would be unacceptable levels of overlooking of the private outside amenity space of No 43a Hallowell Road. I do not consider that the existing tree would suitably mitigate this harmful impact and any new tree planting within the appeal site would take a considerable amount of time to reach maturity. I do not consider that it would be appropriate for these windows to be fitted with obscure glazing as they would be the only windows serving this habitable room.
15. For the above reasons, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 43a Hallowell Road in

respect of loss of privacy. Therefore, the proposal would not accord with the amenity aims of saved Policies BE19, BE21, BE24 and H12 of the UDP and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts 2006.

Other Matters

16. I do not doubt that there may have been anti-social behaviour issues on the site as well as some fly tipping. However, this needs to be weighed against the adverse impact of the proposal upon the character and appearance of the area and the living conditions of the occupiers of No 43a Hallowell Road. These are matters of overriding concern.
17. I have taken into account representations made by other interested parties. The loss of trees on the site would have some impact upon the area which is generally seen as being green and verdant in character. However, on its own I do not consider that the loss of trees would justify a refusal of planning permission.
18. Surface water and foul drainage are matters that could be addressed by means of a planning condition. Whilst construction activity would lead to some disruption, this would be short lived. I have found that there would be harm caused to the living conditions of the occupiers of No 43a Hallowell Road, but given the position of proposed windows and the separation distances involved, I do not consider that harm would be caused to the occupiers of other surrounding residential properties in respect of light, privacy and outlook.
19. Whilst I acknowledge comments made by other parties about traffic generation arising from the proposed development and the level of car parking provision (ie one car parking space), I do not disagree with the conclusions reached by the Council in respect of this matters.
20. I note the comments made by a number of third parties about whether it would be possible for some emergency vehicles to gain access to the site. I have similar concerns about this matter, and have not been provided with any consultation responses from either the Highway Authority or the Emergency Services about such an issue. However, as the proposal is unacceptable for other reasons, it has not been necessary for me to pursue this matter any further.
21. I have considered the appellant's references to the history of the site/area including previous planning applications, but I have determined this planning application on its individual planning merits and in the context of up to date planning policies and what I saw as part of my site visit.
22. None of the other matters outweigh my conclusions on the main issues.

Conclusion

23. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR