
Appeal Decision

Site visit made on 6 April 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 04 May 2017

Appeal Ref: APP/R5510/W/16/3163056

2 The Glebe, West Drayton UB7 9JE

- 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 Mrs S Wharton against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71870/APP/2016/1732, dated 6 May 2016, was refused by notice dated 8 September 2016.
 - The development proposed is described as '*construction of a new 2-bedroom house as an extension to the existing terrace on vacant land*'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. An amended plan (1712-PL.01 revision F) was submitted with the appeal but the appeal process should not be used to evolve a scheme. The appellant has stated that a subsequent planning application for the proposal has also been refused but the details of that application are not before me. Consequently, even though the amended plan may have been submitted as part of that subsequent planning application it includes revisions that are not of a minor nature and as such I cannot guarantee that no party would be prejudiced by my consideration of its content. Therefore, I have not taken it into account in the determination of this appeal.
2. The appellant has also referred to drawing No 1712-PL-01- rev F1 but it is not part of the evidence before me and as such I have not been able to take it into account in the determination of this appeal.

Main Issues

2. The main issues are:-
 - The effect on the character and appearance of the area including its effect on trees;
 - Highway and pedestrian safety.

Reasons

Character and appearance

3. The appeal site currently forms part of the garden area associated with 2 The Glebe (No 2), a modern end terraced dwelling. No 2 is located adjacent to a bend of The Glebe and as such the front and a side elevation face the highway.
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There is an appreciable sized tree within the front garden of No 2 adjacent to the boundary with the neighbouring dwelling.

4. The majority of the properties within the immediate vicinity of the site are terraced and semi-detached houses and as such are quite densely developed. The 3-storey terraced dwellings, on The Glebe opposite the appeal site, have short frontages which in the main have been hard landscaped to provide parking spaces. This gives them a somewhat hard, urban appearance when viewed from The Glebe.
5. However, a number of the dwellings at road junctions and on the end of terraces, close to the appeal site, have been built on generous building lines and as a result they have ample garden/drive areas at the side. In this context these areas together with the landscaped open spaces between the blocks of dwellings and the roadside verges convey a sense of space and help to soften the quite densely developed and urban character of the area. The existing side garden area of the appeal site makes a positive contribution to the surrounding area in the way it links to and complements the other open areas in the immediate vicinity of the site.
6. The proposed dwelling would be a 2-storey extension to No 2 that would be set back slightly from the front wall of No 2. The confines of the site would result in the side elevation and the front corner of the dwelling being in close proximity to the boundary with the pavement on the side of the property. It would also project by around 3m¹ past the existing rear elevation of the property.
7. Planning permission² has been granted for a 2-storey extension at the rear of No 2. Whilst the rear projection of the proposal would be similar to that of the approved extension the proposal's close proximity to The Glebe would exacerbate its prominence in the streetscene. Moreover, the length of the side elevation fronting The Glebe and the substantial amount of blank wall on that elevation would visually reinforce the hard urban feel of the 3-storey terraces that are opposite.
8. Furthermore, the proposal would practically fill the space visually between No 2 and The Glebe boundary substantially eroding the softening effect of the garden area. Taking into account all of the above, the proposal would be an unduly dominant element that would result in a cramped form of development. As such it would harmfully detract from the spacious pattern of open/garden areas within the immediate vicinity of the site.
9. The proposal includes a new tandem drive for 2 cars within the front garden of No 2. The drive would be under the spread of the canopy of and in close proximity to the tree that is adjacent to the boundary with the neighbouring property. The tree is an attractive specimen and it makes a positive contribution to the visual amenity of the area. I note that the appellant has stated that the drive could be constructed utilising hand excavation around the roots and a permeable surface. However, I have not been provided with any technical evidence such as a Tree Survey and/or Arboricultural Implication Assessment, in relation to the potential effect of the drive on the tree.
10. Due to the close proximity of the development to the tree there is a significant risk that the proposal could seriously affect the future health and vitality of the

¹ Taken from drawing No 1712-PL.01 rev E

² 28517/APP/2016/380

tree. As the tree positively contributes to the character and appearance of the area, I consider that the risk to the future health of this tree would be unacceptable. I have no information before me to indicate that the tree is covered by a Tree Preservation Order. Nonetheless, I also have no substantiated evidence before me to demonstrate that the tree would be unlikely to survive on site for many years if the development did not go ahead. I consider that the development poses a significant risk to the tree and its potential removal would have a negative impact on the character and appearance of the area.

11. The proposal would be constructed in materials and of an architectural style that would reflect those used locally. However, a lack of harm in this respect is a neutral consideration and does not outweigh the harm that I have identified.
12. The appellant has drawn my attention to a number of extensions/dwellings constructed in Keats Way and has referred to the dwelling at 9 Keats Way as gaining approval on appeal. However, I have not been provided with the details of that case and the decision is not before me. Whilst I do not have the full details of these cases in front of me I noted at my site visit that, whilst there may be some parallels, none of them are directly comparable to the appeal case. They are in the main not as close to the boundaries of their sites and the 2-storey side elevations are not as substantial in length. Furthermore, nothing that I saw persuaded me that the proposed development is acceptable in this location. As such I attribute little weight to them and in any case I am required to determine the appeal on its individual merits.
13. In conclusion I consider that the proposal would be significantly harmful to the character and appearance of the area. It follows that the proposal would not accord with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (LP), Policies BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (HUDP) and Policies 3.5 and 7.4 of the London Plan (2016) which, amongst other things, seek to ensure high quality development that enhances complements or improves the character of the area and satisfactorily relates to the street scene, features of the area and retains/utilises landscape features of merit.
14. It would also not comply with guidance in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement - Residential Layouts' (SPD), adopted in 2006, which, amongst other things, states all proposals for new housing will be assessed in relation to the character of the area and careful consideration should be given to the location of surrounding buildings, their frontages and building lines.
15. I consider that HUDP Policy 15 is not directly relevant to the proposal, because it relates to extensions and alterations to existing buildings. Even though the proposal would be attached to the end of the terrace it has been designed as a separate dwelling.

Highway and pedestrian safety

16. The proposal would retain an existing parking space, which is to the rear of No 2, to be used by the new dwelling and the new drive in the front garden would provide 2 parking spaces for No 2. The Council considers that 2 off-street parking spaces should be provided for each dwelling. To support this approach it refers to HUDP Policies AM7 and AM14 and the SPD. HUDP Policy AM14 states that new development will only be permitted where it is in accordance

- with the Council's adopted car parking standards as set out in Annex 1. For dwellings with a curtilage, as is the case here, Annex 1 states that 2 car parking spaces should be provided.
17. Annex 1 also states that the level of provision specified is the maximum parking requirement. It therefore allows some flexibility to provide fewer car parking spaces where appropriate. As stated above the existing dwelling only has one off-street parking space. I noted at my site visit that several properties in the vicinity of the site have on-site vehicle parking and that there are some that utilise tandem parking.
 18. The Council has stated that the failure to provide sufficient off-street parking would lead to additional on-street parking to the detriment of public and highway safety. HUDP Policy AM7 states that planning permission will not be granted where the traffic generation from development is likely to cause these problems. However, the Council has not provided any detailed evidence to support their assertions.
 19. At my site visit (mid-morning) I noted that The Glebe was very quiet and there were relatively few vehicles using it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked. I also noted at my site visit that there was a low level of demand for on-street parking in The Glebe and Keats Way. I acknowledge that levels of parking in the evening when residents return from work would be higher. However, given the availability of off-street parking I do not consider that this would significantly increase the level of on-street parking.
 20. Moreover, if no parking space were available on-site it does not necessarily follow that drivers would decide to park inconsiderately, illegally or obstructively on the adjacent highways. Furthermore, I have seen no compelling evidence to show that the proposal would create on-street parking problems or cause a hazard to other highway users as the Council contends.
 21. The Council considers that the width of the new vehicle crossover shown on the site plan would not meet its required standard for vehicle crossovers. However, there is nothing before me to indicate what the required dimensions or construction details are in relation to meet this standard.
 22. Vehicles entering or leaving the new drive might obstruct people using the adjacent footway. However, visibility for a driver would be reasonable in both directions, and given the relative infrequency and short duration of such manoeuvres and the low speeds involved I am satisfied that the safety of pedestrians would not be materially compromised. Appropriate visibility splays and details of the crossover could be secured by condition if the appeal scheme was otherwise acceptable.
 23. In conclusion the proposal would not result in significant harm to highway and pedestrian safety and as such it would not conflict with HUDP Policies AM7 and AM14 or the SPD.

Other Matters

24. The appellant has described the proposal as being more 'affordable' for the first time buyer due to its size. In the context of planning, the term 'affordable housing' has a specific meaning, as defined by Annex 2 of the Framework. Although the proposal may be intended to be 'lower cost' it does not meet the definition of 'affordable' housing for the purposes of planning policy. This is

therefore a matter which does not weigh significantly in favour of the appeal scheme.

25. In terms of the three dimensions to sustainability set out in paragraph 7 of the National Planning Policy Framework (Framework), the proposal would make a limited contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. I acknowledge that there would be sustainability benefits associated with the proposal. Specifically, the appeal site is within the built up area of West Drayton where there is a range of services, facilities and employment opportunities available. An additional dwelling would be created which would have a limited social role by increasing the mix of housing and making a small contribution to the housing supply.
26. However, I have found that the development has a significantly harmful effect on the character and appearance of the area and that harm outweighs my findings on the other main issue and the benefits associated with the scheme. As such it would not accord with the environmental dimension and it would not comprise sustainable development.
27. The harm that would be caused to the character and appearance also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

28. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR