

Appeal Decision

Site visit made on 12 April 2017

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 05 May 2017

Appeal Ref: APP/R5510/W/16/3163170
9 Myrtle Close, West Drayton UB7 9LL

- 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 J Day against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 71961/APP/2016/2156, dated 3 June 2016, was refused by notice dated 10 November 2016.
 - The development proposed is a new build 2 bedroom house with onsite parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - (i) the effect of the proposed development on the character and appearance of the area; and
 - (ii) the effect of the proposal on the living conditions of nearby occupiers, with particular reference to noise and disturbance, privacy, outlook and daylight.

Reasons

Character and appearance

3. Myrtle Close is a cul-de-sac of two-storey terraced and semi-detached dwellings within a predominantly residential part of West Drayton. The appeal site comprises a semi-detached house set on a comparatively generous plot at the north-eastern head of the cul-de-sac and includes a detached garage/outbuilding which would be demolished to provide access to the proposed dwelling.
 4. Amongst other things, Policy BE1 of the *Hillingdon Local Plan: Part 1 - Strategic Policies* (HLP1), Policies BE13 and BE19 of the *Hillingdon Local Plan: Part 2 - Saved UDP Policies* (HLP2) and Policies 3.5 and 7.4 of *The London Plan* (LP) require that new development has regard to its local context and character. In addition, the adopted Supplementary Planning Document: *Hillingdon Design and Accessibility Statement: Residential Layouts* requires that the construction of new dwellings within the garden areas of existing properties must seek, amongst other things, to enhance the local character of the area.
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5. The pattern of development on the southern part of the cul-de-sac is relatively dense, with dwellings generally set on narrow, deep plots with frontage parking. Gaps between properties provide visual relief from the close-knit arrangement of buildings, which are enhanced by well-kept hedges and other greenery to provide a pleasant residential environment. A detached bungalow (13A) has been constructed to the rear of No 13 and is set back from the building line. The appeal proposal seeks to broadly replicate this development in terms of siting, but in a single and two-storey form.
6. Although the gap between Nos 7 and 9 has been compromised to some extent by garages and other structures it continues to provide some relief from built development. The proposed dwelling would be set well back on the site. However, it would be clearly visible from the road and would result in a bulky and incongruous addition to the street scene which would fail to satisfactorily integrate with its surroundings and be distinctly out of keeping with the established pattern of development. The impact would be compounded by the shared access and additional car parking to the front of the new dwelling.
7. Whilst I have taken into account the bungalow at No 13A, from what I saw at my site visit this form of development is not prevalent throughout the neighbourhood and is not a desirable example to be followed in this case.
8. For these reasons, I conclude that the proposal would materially harm the character and appearance of the area in conflict with Policy BE1 of HLP1, Policies BE13 and BE19 of HLP2 and Policies 3.5 and 7.4 of the LP.

Living conditions

9. Policy H12 of LP2 requires that proposals for tandem development of backland in residential areas will only be permitted where, amongst other things, no undue disturbance is likely to be caused to adjoining occupiers.
10. In this case the shared drive and associated turning and parking areas serving the proposed dwelling and No 9 would largely adjoin the boundary with No 7, which is marked by a close-boarded fence. The area to the side of No 7 contains a garage and a portable building and is not therefore used as an amenity space. However, the property has windows to habitable rooms in close proximity to the boundary, and No 9 has similar openings immediately adjacent to the drive. In such close proximity to these rooms, the coming and going of vehicles and pedestrians associated with the appeal proposal would generate noise and disturbance which would harm the living conditions of the adjoining occupiers, and particularly in fine weather when windows are likely to be open.
11. Given the separation distances involved, the proposed development would not materially harm the privacy or outlook for adjoining occupiers, nor would it diminish daylight reaching properties to any material degree or appreciably increase air pollution. I acknowledge that construction operations can involve disruption for local residents, but such works are normally a short-term inconvenience that can, if necessary, be pursued by the Council under other legislation.
12. In relation to noise and disturbance, I conclude that the proposal would unacceptably harm the living conditions of nearby occupiers contrary to Policy H12 of HLP2.

Other Matter

13. Whilst the case officer may have favoured the appeal proposal, it is the decision of the Council that is before me and to which I have confined my considerations.

Conclusion

14. For the reasons set out above, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector