
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/D/16/3162470
29 Marlow Gardens, Hayes UB3 1QZ

- 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 Baldev Singh Bhoday against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 58067/APP/2016/1529, dated 19 April 2016, was refused by notice dated 21 September 2016.
 - The development proposed is new 2 bedroomed bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - (i) the character and appearance of the area; and
 - (ii) the living conditions of the occupiers of neighbouring properties and whether future occupiers of the proposed dwelling would enjoy satisfactory living conditions, with particular reference to outlook, privacy and noise and disturbance.

Reasons

Character and appearance

3. Marlow Gardens is a cul-de-sac of terraced two-storey dwellings set on relatively narrow, deep plots in an area characterised by similar tight-knit residential development, including housing to the east and west at Windsor Gardens and Clevedon Gardens respectively. Full height bay windows, distinctive gable features and hipped roof forms impart an architectural rhythm which contributes to the character of the street, although this is compromised to some degree by frontage parking and varied boundary treatment.
 4. The Council's 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.
 5. The dense pattern of housing on Marlow Gardens is relieved by a more spacious arrangement of dwellings at the head of the cul-de-sac, where end-of-terrace properties are set on much larger plots. The appeal property is one
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such example. It has a substantial side/back garden enclosed by high concrete block walling and accessed via a narrow track which also serves other properties.

6. The appeal site comprises the majority of the garden of the property. The scheme involves the demolition of much of a large, single-storey outbuilding on the rear boundary in order to accommodate the proposed bungalow, with access provided via the existing track. The proposal includes two parking spaces for the new dwelling and retention of parking space for the existing property.
7. Approaching the head of the cul-de-sac, the site provides a clear view of trees in the gap between Nos 27 and 29 and affords some relief from the density of built development notwithstanding the visual impact of the boundary walling to the appeal site. The proposed dwelling would significantly diminish the gap and in doing so would compromise the street scene to an unacceptable extent.
8. The new dwelling would be clearly visible from the turning head, and its single-storey form and shallow, hipped roof would be clearly at odds with the prevailing form, scale and pattern of two-storey terraced properties on the cul-de-sac to the detriment of the area's character.
9. In coming to this view, I acknowledge the other residential developments on other sites in the locality referred to by the main parties. However, the schemes at 23 Windsor Gardens and 33 Clevedon Gardens were granted permission in 2007 under an earlier development plan policy regime and at a time when the definition of previously-developed land in the *National Planning Policy Framework* ('the Framework') included residential gardens, which is now no longer the case. It is unclear when the bungalow to the rear of No 28 Marlow Gardens was constructed, but it does not in my view constitute an example of sympathetic development in a residential area and does not therefore justify the appeal proposal. The dwelling at 135A Bourne Avenue comprises infill development on a frontage plot and is not therefore comparable to the proposal before me.
10. For these reasons, I conclude that the proposal would unacceptably harm the character and appearance of the area. It would therefore conflict with Policy BE1 of the *Hillingdon Local Plan: Part 1 - Strategic Policies*, Policies BE13 and BE19 of the *Hillingdon Local Plan: Part 2 - Saved UDP Policies* and Policies 3.5, 7.1 and 7.4 of *The London Plan*. Between them, these policies require new development to achieve high quality design which enhances local distinctiveness and is appropriate to its context, harmonises with the existing street scene and complements or improves the amenity and character of the area. It would also conflict with similar objectives in the Framework which are concerned with good, high quality and inclusive design.

Living conditions

11. The proposed dwelling would be visible from ground and first floor windows in the rear of No 29. However, views would be oblique and the outlook from these openings would not be significantly compromised. Moreover, the new dwelling would not be unduly oppressive for those using the rear garden of the existing property. The separation distances from the proposed dwelling to other properties would prevent harm to neighbouring occupiers' outlook.

12. The proposed bungalow would only have a back door and an obscure glazed bathroom window on the side elevation facing No 29, and the outlook from these secondary openings would not be compromised by their proximity to the existing dwelling. The proposed rear garden would be a sufficient distance from No 29 to prevent loss of outlook for those using the amenity space.
13. As to concerns regarding privacy, the oblique relationship of the two dwellings would prevent any appreciable overlooking between the properties and no harm would therefore arise to occupiers' living conditions.
14. The proposal would result in increased vehicular and pedestrian movements along the shared access track to the side of the appeal site. However, any associated noise and disturbance would not be materially greater than that generated by the existing dwelling, and as such the living conditions of the occupiers of Nos 27 and 29 would not be demonstrably harmed by the development.
15. I therefore conclude that the proposed development would not materially harm the living conditions of the occupiers of No 29 Marlow Gardens and future occupiers of the proposed dwelling would enjoy satisfactory living conditions. There is therefore no conflict with those parts of Policies BE19, BE21 and BE24 of the *Hillingdon Local Plan* (Part 2) which seek to safeguard residential amenity.

Other Matters

16. I acknowledge the appellant's desire to provide accommodation for a family member, but this should not be at the expense of the character and appearance of the area.

Conclusion

17. The absence of harm in relation to the effect of the proposal on living conditions does not override the cogent planning objections with regard to the harm that would be caused to the character and appearance of the area. I conclude therefore that the appeal should be dismissed.

Michael Moffoot

Inspector