

Appeal Decision

Site visit made on 16 May 2017

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 15th June 2017

Appeal Ref: APP/R5510/W/16/3163416

Land rear of 116 Pinner Road, Northwood HA6 1BS

- 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 Tejash Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71277/APP/2016/3397, dated 12 August 2016, was refused by notice dated 9 November 2016.
 - The development proposed is described on the application form as a one bedroom maisonette flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of development on:
 - (a) the character and appearance of the area;
 - (b) flood risk and the safety of future occupiers;
 - (c) the living conditions of occupiers of neighbouring properties with regard to outlook, privacy, light and the provision of external space;
 - (d) the living conditions of future occupiers of the dwelling with regard to outlook, light, privacy and the provision of external space; and
 - (e) parking provision and highway safety.

Reasons

Character and appearance

3. Properties on Pinner Road and Hilliard Road either side of the appeal site are predominantly two storey terraced or semi-detached buildings with pitched roofs. Building sizes and the amount of private external space on both streets are reasonable and the overall character and appearance is spacious and suburban. While 116 Pinner Road contains four flats, including Flat 2 in a single storey rear extension, the building maintains the scale and spacious characteristics of the area.
 4. The appeal site contains a simple single storey pitched roof garage. There is a small amount of external space on the south-west side of the garage, but overall it is a small and constrained site. As an ancillary structure to the main
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building on Pinner Road, it has an inconspicuous character and appearance typical of many such structures in a suburban context.

5. The proposed development would only result in a marginal increase in the eaves height of the existing garage and would not be dominant in terms of scale. The insertion of an entrance door onto Hilliard Road would be similar to the entrance door for Flats 1 and 2 at 116 Pinner Road. However, unlike those two flats, the development would be detached from the main building at 116 Pinner Road with the addition of an obscure glazed window and bin/cycle storage. It would be very conspicuous as a separate property unlike the flats. As a single storey flat roof property with a small amount of external space, it would be at odds with the pattern, rhythm and grain of development on Hilliard Road and Pinner Road.
6. Concluding on this main issue, the proposed development would have a harmful effect on the character and appearance of the area. Therefore, it would not accord with Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (“Local Plan Part 1”) or Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part 2 Saved UDP Policies 2012 (“Local Plan Part 2”). It would also not accord with Policies 3.5 and 7.4 of the London Plan 2016. Amongst other things, these policies seek quality design that is appropriate to Hillingdon’s buildings and townscapes, harmonises with the street scene and responds to local character.
7. The development would also conflict with the aims of the National Planning Policy Framework (NPPF) which seeks good design that reflects local surroundings. It would also not follow the guidance of the Hillingdon Design and Accessibility Statement Supplementary Planning Document on Residential Layouts 2006 (HDAS SPD). Amongst other things, this document advises that backland development should occupy plots of sufficient size and must enhance the local character of the area.

Flood risk

8. The appellant states that the site is not within an area of flood risk or critical drainage classification. Map 8.3 in the Local Plan Part 1 reveals that the site is within Flood Zone 1. However, the Council indicate that the appeal site is located within an area identified by the Environment Agency at risk of surface water flooding, with surface water flooding as recently as 23 June 2016. Neighbouring residents also refer to recent flooding events.
9. The evidence before me on the flood risk status and flood history of the site is inconclusive. Nevertheless, the proposal involves the construction of a habitable basement floor intended for use as a bedroom. Given the apparent potential for surface water flooding in the area, this presents a genuine risk to the development and the safety of its occupants particularly in the basement. There is also the potential for the development to increase the risk of flooding locally given the possible effects it could have on surface and groundwater flows as well as drainage and structural stability.
10. The Planning Practice Guidance (PPG) identifies dwellings as more vulnerable to flood risk and basement dwellings as highly vulnerable¹. Even though the site is under a hectare in Flood Zone 1 and may not be in an area which has critical

¹ PPG Table 2: Flood risk vulnerability classification - Reference ID: 7-066-20140306

drainage problems, footnote 20 of the NPPF still requires a site specific flood risk assessment where proposed development or change of use to a more vulnerable class may be subject to sources of flooding. Therefore, it is necessary for an appropriate flood risk assessment to be produced for this development.

11. The absence of an appropriate flood risk assessment makes it difficult to judge the effects of the proposed development and to identify the correct measures needed to deal with any effects. It would not be appropriate to request a flood risk assessment via a planning condition, as this would grant planning permission before the effects have been established and any necessary mitigation measures identified. Such a condition would fail the tests for planning conditions set out in paragraph 206 of the NPPF in terms of not being reasonable. Furthermore, while the Building Regulations process would deal with drainage matters, this would only follow once development had been found to be acceptable on flood risk grounds and granted planning permission.
12. Concluding on this main issue, the absence of a flood risk assessment means that it is uncertain whether the proposed development would have an acceptable effect on flood risk and the safety of future occupiers. Therefore, it would not accord with Policy EM6 of the Local Plan Part 1 which concerns flood risk management or Policy 5.12 of the London Plan, which requires development proposals to comply with the flood risk assessment and management requirements set out in the NPPF. It would also not follow the advice on flood risk assessment in the PPG.

Living conditions for occupiers of neighbouring properties

13. Planning permission ref 22994/APP/2015/1029 involved the change of use of the ground floor of 116 Pinner Road into two studio flats, with a lawn to the rear of Flat 2 next to the single storey rear extension. Plans submitted by the appellant which purport to form part of this permission show the lawn separated from an area of hardstanding in front of the garage by what appears to be a wall.
14. At my site visit, I observed that the external space to the rear of Flat 2 is roughly similar to what is shown on the plans for the above permission, with a wall separating this space from the appeal site. While this external space is small, it would not be reduced any further by the proposed development. The outlook from Flat 2 towards the wall would not change significantly. The proposed development would have a marginally larger roof, but would remain single storey and avoid any dominating effect. Thus, there would not be a negative effect on the living conditions of occupiers of Flat 2 in terms of outlook and the provision of external space.
15. The wall would provide reasonable privacy between Flat 2 and the proposed development, while the single storey rear extension to 116 Pinner Road that houses Flat 2 would largely obscure views to rear windows of residential units elsewhere at 110-116 Pinner Road. The scale of the development is modest, and so there would be little effect on light to any residential unit at 110-116 Pinner Road.
16. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of occupiers of neighbouring properties with regard to outlook, privacy, light and the provision of external

space. Therefore, it would accord with Policy BE19 and BE23 of the Local Plan Part 2 which require development to protect the amenity of occupiers of surrounding buildings. It would also follow the guidance of the HDAS SPD in terms of light, privacy and outlook.

Living conditions for future occupiers

17. The external space that would be provided for the proposed development would be less than half of what is sought by the HDAS SPD for studio and 1 bedroom flats. I do not accept that a conservatory below this external space would provide an adequate substitute for the remaining amount as it would be wholly enclosed and only receive natural light through a reinforced glass floor above. Nevertheless, the external space would be similar in size to what is available to occupiers of Flat 2 at 116 Pinner Road. Given the size of the proposed development, which is unlikely to be occupied by a family, it would be just about sufficient.
18. The glass floor above the conservatory would provide the only source of light and outlook for the basement floor, but this is not unusual for a subterranean space where openings are often limited. The ground floor would have a window and a large folding glazed door on the south-west elevation and two windows on the north-west elevation either side of the entrance door. They would ensure sufficient levels of natural light into the ground floor.
19. The obscure glazed window on the north-west elevation and the proximity of the wall between the development and the adjoining Flat 2 would limit the outlook from the ground floor. However, the view of the wall would not be much different to the existing outlook for occupiers of Flat 2 in the opposite direction, while the window next to the front door would not be obscure glazed and would provide a longer view across Hilliard Road. The wall would provide a reasonable degree of privacy from Flat 2, while the single storey rear extension that houses Flat 2 would largely obscure views from first floor rear windows at 116 Pinner Road.
20. Concluding on this main issue, the proposed development would have an acceptable effect on the living conditions of future occupiers of the dwelling. Therefore, it would accord with Policies BE19, BE20, BE23 and BE24 of the Local Plan Part 2, which seek adequate light, privacy, external amenity space to benefit occupiers of buildings. The development would also accord with Policy 3.5 of the London Plan insofar as it relates to the size and layout of new homes and provision of space. Policy BE13, which is cited in the Council's second reason for refusal relating to this main issue, refers to character and appearance matters and so is not relevant here. It would also follow the guidance of the HDAS SPD.

Parking provision and highway safety

21. Planning permission ref 22994/APP/2015/1029 also included the provision of two car parking spaces in the existing garage accessed by an existing crossover from Hilliard Road as shown in the plans submitted by the appellant. At my site visit, it was evident that the garage is not in use for such purposes, with the external space in front of the garage completely enclosed by a boundary wall along Hilliard Road that also blocks the crossover. Moreover, given the limited space in front of the garage and the dimensions of the garage itself, it

does not appear that there would be sufficient room to manoeuvre two cars into and out of the garage.

22. At the time of my mid-afternoon visit, Hilliard Road was parked up nearer to Pinner Road and the appeal site with more capacity further along the road. In terms of traffic movements, Hilliard Road and other side streets nearby were quiet. Pinner Road was busier as a through route, with two regular bus services stopping nearby and an approximate 10 minute walk to Northwood Hills underground station. Evidence submitted in the appellant's highways statement reveals a high level of parking on Hilliard Road overnight, but with some capacity available.
23. The Council's highway department seeks one off-street parking space for the proposed development and considers that the loss of the two existing spaces in the garage to be unacceptable, with a net impact of three additional vehicles parked on the road. However, given that it is unlikely that the garage could be used for parking due to the aforementioned constraints, the proposed development would effectively result in one extra vehicle on the road. The highways statement and my site visit observations reveal some spare capacity to accommodate a single vehicle on Hilliard Road. The quiet nature of Hilliard Road and other side streets in terms of vehicle movements indicates that an additional parked car and any displaced parking is unlikely to have a significant effect on the flow of traffic or on highway and pedestrian safety.
24. I am also mindful of the close proximity of public transport links and a previous appeal decision for four flats at 114 Pinner Road² where the Inspector concluded that the effects of not meeting the Council's parking standards would be acceptable given the surrounding site circumstances.
25. Concluding on this main issue, while the proposed development would not meet the Council's parking standards, it would have an acceptable effect on parking provision and highway safety. Thus, there would not be any conflict with Policies AM7 and AM14 of the Local Plan Part 2 which are concerned with parking and ensuring highway and pedestrian safety, nor would there be any conflict with the HDAS SPD.

Conclusion

26. The proposed development would have an acceptable effect on parking provision and highway safety, as well as an acceptable effect on the living conditions of neighbouring occupiers and future occupiers of the dwelling. However, it would result in harm to the character and appearance of the area, while the absence of an appropriate flood risk assessment raises uncertainties about the effect of development on flood risk and the safety of future occupiers. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Tom Gilbert-Wooldridge

INSPECTOR

² APP/R5510/A/13/2201179