
Appeal Decision

Site visit made on 25 April 2017

by Clive Sproule BSc MSc MRTPI MEnvSci CEnv

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

Decision date: 06.07.2017

Appeal Ref: APP/R5510/W/16/3164522
188 Harefield Road, Uxbridge UB8 1PS

- 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 Dhanoa against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72018/APP/2016/2605, dated 04/07/16, was refused by notice dated 12/09/16.
 - The development proposed is to demolish the existing house and build a two storey building with rooms in the roof to provide two one bedroom flats and five two bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. With reference to the Council's reasons for refusal and the evidence in this case, the main issues are considered to be the effect of the development proposed on: a) the character and appearance of the locality; b) the living conditions of the occupiers of neighbouring dwellings in relation to visual impact, loss of outlook, loss of light, and loss of privacy; and, c) highway safety.

Reasons

Character and appearance

3. The locality around the appeal site has dwellings of differing sizes and styles. Development along this section of Harefield Road includes a number of large dwellings that have vehicle parking areas between the building and the highway. These parking areas are of considerable scale with highway boundary treatments that vary in type and extent. Vegetation in these highway boundaries complements the mature trees and planting in the domestic gardens in the locality.
 4. No.188 is one of the large dwellings that characterise this part of Harefield Road, and in common with the other large dwellings, it is located within a plot that reflects the scale of the building. For the most part, these dwellings retain a degree of separation from neighbouring two storey elevations/gable walls through significant (first floor) gaps created by the presence of single storey structures and/or amenity space. In addition, no.188 and the dwellings on
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either side of it have building footprints of a similar size. Factors highlighted above contribute to the character and appearance of this urban/suburban residential environment.

5. The appeal scheme would increase significantly the footprint of the accommodation on the appeal site and it would utilise most of the plot width, which narrows toward the rear of the property.
6. A curve in Harefield Road is reflected in the plot lengths and positioning of the dwellings at nos.186 and 188, with no.186 set further back in its plot than the house on the appeal site. The proposed building would be much deeper than the existing house and it would extend to the rear of the two storey element of no.186. This, along with the tapering of the appeal site as it extends away from the highway, would reveal and emphasise the narrowing of the gap between the two neighbouring buildings. Consequently, the increased depth (and mass) of the proposed built form would fail to retain the characteristic spaciousness that is evident around many of the large buildings on this section of Harefield Road.
7. Turning to the second reason for refusal, which concerns the effect of the hardstanding/parking area that would be located between the proposed dwellings and Harefield Road. A number of the properties on this section of Harefield Road have large areas of front amenity space that have been made available for vehicle parking. There would be a degree of formality in the proposed parking layout that is not evident at other dwellings around the appeal site. The proposed 5.2m wide access would highlight this, and the resulting character would signal the intensification of the residential use on the appeal site.
8. A 5.2m wide access is not required for highway safety. The Council's Highways Officer had confirmed that a 4.1m wide crossover would be sufficient and the kerb radii onto the carriageway should be replaced with splays.¹ It is evident that an access 5.2m wide, and that would open onto the carriageway via kerb radii, would normally be associated with a larger form of development than is proposed in this case. In contrast, a crossover that would be 4.1m wide and of a splayed design would be consistent with existing crossovers in the locality and be sympathetic to its character and appearance.
9. Therefore, although the landscaping and detailed design of the proposed front amenity space could do much to minimise the apparent parking space subdivision and resulting formality of the appeal scheme, it would not be sufficient to mitigate the impact of the proposed access. The proposed 5.2m wide access is unnecessary to address the number of proposed dwellings, and it would be unacceptably harmful to the character and appearance of the street scene.
10. In respect of the fifth reason for refusal (which is dealt with under *Highway Safety* below), the Grounds of Appeal suggest a condition to reduce the width of the proposed highway access, with reference to *Bernard Wheatcroft Ltd. v Secretary of State for the Environment and Another (1982) 43 P. & C. R. 233*. However and as highlighted above, it is not only the width of the proposed entrance (in regard to highway safety) that is of concern. Rather, it is the

¹ As noted in the Council's Officer's report on the application

overall design of the crossover that has been the subject of comments received at the application stage.

11. The principles in the *Bernard Wheatcroft* case, referred to above, include whether the effect of the suggested condition would be a development so changed that such a grant of planning permission would deprive those who should have been consulted on the changed development of the opportunity to comment on the change. The access is a key element of the scheme as it is the part of the development that sits on the boundary with the highway, and the significance of its effect on the street scene reflects this. The access not only contributes directly to the character and appearance of the proposal through its design, it also has an indirect effect through the land that it would leave available for landscaping.
12. Therefore, the condition proposed within the Grounds of Appeal would concern a modification of the scheme that would be more than a minor change, and that interested parties reasonably would expect to be provided with an opportunity to comment on. It would therefore be inappropriate to impose such a condition on a grant of planning permission as the condition would fail the test of reasonableness.²
13. For these reasons the appeal scheme would fail to harmonise with the existing street scene and be unacceptably harmful to the character and appearance of the locality. As such, it conflicts with Policy BE1 of the Hillingdon Local Plan ('LP'): Part One - Strategic Policies (November 2012), and LP: Part Two - Saved UDP Policies BE13 and BE1, and Policies 3.5 and 7.4 of the London Plan.

Living conditions

14. The increased scale of the appeal proposal would introduce built development in very close proximity to existing neighbouring dwellings. An existing upper floor window in the gable of no.190 faces toward the appeal site, but it is a very small opening that appears to provide light to attic space. As such, the appeal proposal would be very unlikely to have any significant effect on the living conditions of the occupiers at no.190 in relation to that opening.
15. On the other side of no.188, a first floor clear glazed window in the gable wall of no.186 also faces toward the appeal site. In contrast to the attic window at no.190, the first floor window at no.186 is much larger and currently has an open aspect across the rear of no.188 and its back garden area. The appellant highlights this to be a secondary window to a bedroom, and that nos.186 and 188 were built to the same design.
16. The aspect over the appeal site from the first floor side elevation window at no.186 may have amenity value for the users of the room that it serves. Nevertheless, its proximity to the proposed elevation would be similar to that of the existing first floor gable window of no.188 that faces toward the gable of no.190. Given the views and light obtainable from the rear facing window that is understood to also serve the first floor room at no.186, it is not apparent that the reduction in aspect from the secondary window would be unacceptably harmful to the living conditions of the occupiers of no.186.
17. Nor is it apparent that the appeal scheme would result in unacceptable levels of visual impact when seen from the first floor side facing window that is set back

² The tests of a planning condition are highlighted within paragraph 206 of the National Planning Policy Framework

part way along the rear elevation of no.190. Drawings also indicate that the proposed design would enable 45 degree sightlines to be maintained from the rear windows of nos.186 and 190. It has not been shown that the appeal scheme would result in occupiers of dwellings in this location receiving insufficient light or experiencing unacceptable levels of overshadowing.

18. In addition, the Council's case highlights a proposed second floor bedroom window that would look over the frontage of no.186 and provide acute views towards the first floor window in the side elevation of no.186. The side elevation of no.188 includes an existing first floor window that overlooks the frontage of no.186. Although it is set further back than the proposed second floor window, there is no evidence to suggest that the proposed levels of overlooking of no.186 from the proposed second floor bedroom window would be greater than at present.
19. However, each proposed kitchen area would be part of an open living space that would include areas shown to be for dining and sitting. The proposed ground and first floor flats would have kitchen windows in the side elevations of the building that would have aspects toward the neighbouring dwellings. Boundary treatment would prevent significant levels of overlooking at ground floor level. However, the proposed ground floor kitchen windows would be in very close proximity to the boundaries with neighbouring development, which would cause them to have restricted outlook.³
20. The principal views from these open living spaces would be to the front or rear of the building. The Grounds of Appeal suggest a planning condition that would obscure glaze and fix shut the kitchen windows at first floor level. This would prevent unacceptable levels of overlooking between the kitchen of flat 5 and the existing first floor side window at no.186, which would be in very close proximity to each other. However and in contrast to the first floor room at no.186, the open living spaces in proposed flats 5 and 6 would be deep rooms of considerable length. The proposed fixed obscure glazing would result in these rooms only having one outlook, and it would be at one end of the long rooms.
21. Obscure fixed shut glazing may provide a solution where there is the potential for overlooking and loss of privacy. However given the scale and depth of the proposed open living spaces in flats 5 and 6, the single outlook from them would not be an example of good design. The National Planning Policy Framework ('the Framework') attaches great importance to the design of the built environment. The proposed design would cause occupiers of flats 5 and 6 to have long open living spaces with only one outlook obtainable from them. This would fail to meet the Framework's objectives for good design, and causes the proposal to conflict with LP: Part Two - Saved UDP Policy BE19 and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts ('the HDAS SPD').

Highway safety

22. This part of Harefield Road is a busy thoroughfare that has daytime on-street parking restrictions, and it is in close proximity to a junction of the A40 Western Avenue.

³ For example, the boundary line with no.190 would be 1m from the ground floor kitchen window of flat 1

23. The Council Officer's report on the application notes the Highways Officer's objection to the proposal and it to be based on a number of matters. Of these matters, it is parking provision and the width of the crossover that are the subjects of the fourth and fifth reasons for refusal.
24. The existing access to no.188 has adequate sightlines to ensure that vehicles can arrive and leave the site safely. Given the road conditions and layout in this location, there is no convincing evidence to indicate that the proposed access point would be unsafe for the occupiers of vehicles using it and/or the highway.
25. At 5.2m wide at the property boundary, the proposed access would be expected to enable two vehicles to pass. Given the road layout and the likely number of vehicles using the access, it should be possible for a driver that exercises a reasonable standard of care for their own and other's safety to use a 5.2m wide crossover without causing harm to users of the footway.
26. The appeal scheme would provide 6 parking spaces for the 7 flats. Saved UDP Policy AM14 refers to the Council's adopted car parking standards in 'Annex 1', and for flats and houses of this type the adopted car parking standard is a maximum of 1.5 spaces per dwelling. The Council Officer's report on the application notes the appeal site to have a Public Transport Accessibility Level ('PTAL') rating of '1b' on a scale of 1 to 6 where 6 represents a high level of accessibility. As such, the Council's Highways Officer has indicated a need for at least one parking space for each dwelling, which the appeal proposal would fail to provide.
27. The proposal would be in accordance with the car parking standard for this type of development and therefore, LP Part Two - Saved UDP Policy AM14. Also, application drawings confirm that a bike store for 7 cycles would be provided as part of the appeal scheme.
28. The PTAL rating, along with the possible number of occupiers within the proposed flats, indicates that car ownership would be likely to exceed the number of off-street spaces that would be provided. This reasonably would be expected to increase on-street parking pressures in an area with significant levels of traffic and where parking controls have been found to be necessary.
29. In addition to LP Policy AM14, the Council's reason for refusal refers to LP Part Two - Saved UDP Policy AM7 which seeks to address the effects of traffic that would be generated by proposed development. However, the Council has not adequately explained how the appeal scheme would result in conflict with the planning policies that the fourth reason for refusal refers to.
30. For these reasons, it is not apparent that the appeal scheme would result in unacceptable harm to highway safety and conflict with adopted planning policy referred to above and the Framework.

Other matters

31. It has been suggested that the number of dwellings proposed would cause additional noise to be experienced by the occupiers of neighbouring properties. There would be the potential for additional noise and disturbance due to the increased number of households on the site. However, there is no convincing evidence that demonstrates additional noise and disturbance would be likely to have an unacceptable impact on the living conditions of neighbours.

32. The Council Officer's delegated report on the application notes no.188 to be in a residential area where the principal of residential development is acceptable. It also notes LP Policy H4 to support the provision of housing in a mix of unit sizes, and in particular, dwellings with one or two bedrooms. The appeal scheme would provide such dwellings by reusing an existing residential site. However, the low number of additional dwellings that would be provided, and the social benefits of doing so, only attracts limited weight in favour of the scheme.
33. The construction and occupation of the dwellings would contribute to the local economy and this support for economic growth attracts significant weight in favour of the proposal.
34. My attention has been drawn to the LP 'Part 2' planning policies used for development control that pre-date the Framework and Planning Policy Guidance. They originate from Unitary Development Plan policies that were 'saved' in 2007 and then were adopted in November 2012 as Part 2 to the LP for an interim period. Apart from the age of the policies' source and that they have "...been 'saved' twice without review...",⁴ it has not been explained why these 'Part 2' development control policies would fail to provide an appropriate basis on which to consider the matters that are germane to the determination this appeal.

Conclusion

35. For the reasons above, the proposed development would be unacceptably harmful to local character and appearance and it would fail to provide suitable living conditions in the first floor flats. The proposed development conflicts with: LP Policies BE1, BE13 and BE19; the HDAS SPD; and, Policies 3.5 and 7.4 of the London Plan. It would also fail to meet the Framework's objectives for good design. No matters, including the scope of possible planning conditions, have been to outweigh the identified failing, harm and policy conflict. For the reasons above, the appeal scheme would not be a sustainable form of development and accordingly, the appeal should be dismissed.

Clive Sproule

INSPECTOR

⁴ The appellant's final comments, entitled 'Rebuttal'