
Appeal Decision

Site visit made on 10 July 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 17 July 2017

Appeal Ref: APP/R5510/W/17/3173766

2 Nicholls Avenue, Uxbridge, Middlesex UB8 3JL

- 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 Sunny Karwal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 14033/APP/2016/1667, dated 26 May 2016, was refused by notice dated 16 December 2016.
 - The development proposed is a detached bungalow to the rear garden.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 2 Nicholls Avenue and the proposed bungalow in respect of outlook.

Reasons

Site and proposal

3. The appeal site comprises part of the rear garden of No 2 Nicholls Avenue which is a detached bungalow on a corner plot. The area is residential in character and appearance and most of the properties in the immediate area are bungalows.
4. It is proposed to erect a one bedroom bungalow with access taken from Bourn Avenue. The proposed bungalow would be L-shaped and would be positioned next to No 48 Bourn Avenue.

Character and appearance

5. The immediate environment, including Bourn Avenue, is characterised by detached bungalows which are positioned on narrow but deep plots. Whilst the bungalows are not identical in appearance (some have hipped roofs and some have gabled roofs) there is nonetheless a consistency of design in terms of the fact that they are positioned in a linear form, follow a broadly common building line, and have simple/flat front facades with open gardens/driveways abutting the main road. These attributes add positively to the character and appearance of the area. No 2 Nicholls Avenue does not following the building line of Bourn Avenue, but it is not conspicuous in the street-scene when
-

travelling down Bourn Avenue to the junction with Nicholls Avenue given the screening effect of the garden landscaping.

6. The appeal site would be wider than other residential plots in the immediate area, but would not be as deep. Whilst the rear garden plots would not be as deep as others in the area, I do not consider that this in itself would result in significant harm being caused to the character and appearance of the area. This is because the rear garden space would not be visible when viewed from the main road.
7. Notwithstanding the above, the proposed bungalow would be built in front of the building line of properties on Bourn Avenue including No 48 Bourn Avenue. Consequently, it would be very conspicuous to the passer by detracting significantly from the uniformity of the building line in this street. I acknowledge that the property would be L-shaped and hence its prominence and dominance would be diminished in relative terms. However, most of the properties on Bourn Avenue are rectangular and simple in shape and hence the proposed L-shaped bungalow would have a jarring impact when viewed in the street-scene.
8. For the above two reasons, I conclude that the proposed development would look materially out of place and incongruous in the locality and hence would have a detrimental impact upon the character and appearance of Bourn Avenue. Therefore, the proposal would not accord with the design aims of Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012); Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two saved Unitary Development Plan Policies (2012) (LP2) and the adopted Hillingdon Design and Access Statement: Residential Layouts Supplementary Planning Document 2008 (SPD).

Living conditions

9. The side elevation of the proposed bungalow would be about 11 metres from the rear elevation of No 2 Nicholls Avenue. The Council has referred to the SPD which states that there should be a separation distance of 15 metres between elevations. However, Section 4.9 of the SPD refers to “*two or more storey*” buildings and the appeal property would be single storey. Therefore, I do not consider that the Council’s reference to the 15 metre separation distance is relevant in respect of the determination of this appeal.
10. Given the height and position of the proposed bungalow, I do not consider that at a distance of approximately 11 metres it would have a significantly overbearing or dominant impact when viewed from the rear of No 2 Nicholls Avenue. Furthermore, I am satisfied that reasonable levels of light would be maintained for the occupiers of surrounding properties. Given the height of the appeal property, and the proposed 1.8 metre boundary fencing, I am also satisfied that the proposal would not lead to a loss of a privacy for any of the occupiers of neighbouring residential properties.
11. The rear garden space would be acceptable in terms of its overall size when considered against the Council’s SPD standards. The garden would be about 4.7 metres deep. Whilst the occupiers of the proposed bungalow would be aware of the rear boundary fencing/landscaping when using the kitchen/dining room, on balance I am satisfied that there would be an acceptable level of outlook. I reach the same conclusion in respect of the rear bedroom window

and note that there is also a proposed front window to the bedroom where there would be a very open outlook.

12. For the above reasons, I conclude that the proposal would accord with the amenity aims of Policies BE19 and BE21 of the LP2 and the SPD.

Other Matters

13. The appellant has referred me to an appeal decision for a detached bungalow at 2 St Margaret's Avenue, Uxbridge (Ref APP/R5510/W/16/3158073). I note that this development was allowed, but I do not consider that it is entirely comparable with the appeal proposal. In particular, the approved bungalow essentially follows the common building line in the street and the appeal bungalow would not. In any event, I have determined this appeal on its individual planning merits and have found that significant harm would be caused to the character and appearance of the area.
14. I have taken into account representations made by other interested parties including the occupiers of Nos 48, 53 and 55 Bourn Avenue. Many of the comments made have already been addressed in the reasoning above.
15. I acknowledge that the proposed bungalow would be relatively close to the side elevation of No 48 Bourn Avenue. However, I do not consider that a 1 metre gap would be so narrow as to preclude maintenance of such a wall. The occupier of this property has indicated that such a wall is damp and that if the proposal were allowed it would make this worse and hence exacerbate the occupiers existing medical conditions. I do not have any objective evidence to substantiate such a claim and, in any event, it would be possible to treat damp issues irrespective of the submission of this planning application. I accept that the provision of an additional driveway next to No 48 Bourn Avenue would result in increased activity and vehicular movements in the immediate locality. However, I do not consider that such impacts would be so severe as to warrant refusal of planning permission.
16. Comments have been made about traffic generation and on-street car parking problems in the area. On the evidence that is before me, I do not consider that the proposal would give rise to a material increase in traffic in the area or lead to significant on-street car parking stress.
17. None of the other matters raised alter or outweigh my conclusion on the main issues.

Conclusion

18. Whilst I have found that in terms of outlook the proposal would not cause harm to the living conditions of the occupiers of neighbouring residential properties or the proposed bungalow, significant harm would nonetheless be caused to the character and appearance of the area. This is a matter of overriding concern and therefore the appeal is dismissed.

Daniel Hartley

INSPECTOR