

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: 24 July 2017

Appeal Ref: APP/R5510/W/17/3173568

281 Malt House, Field End Road, Eastcote, Ruislip, Hillingdon HA4 9XG

- 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 Home Group Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23156/APP/2016/3429, dated 12 September 2016, was refused by notice dated 20 January 2017.
 - The development proposed is the demolition of the existing building and the construction of 30 No residential units (Class C3) comprising 26 flats and 4 houses including car parking, landscaping, access and associated works.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Home Group Limited against the London Borough Hillingdon. The application is the subject of a separate Decision.

Procedural Matter

3. The planning application was amended prior to the Council making its decision. For the avoidance of doubt, I have determined the appeal on the basis of the plans listed in the Council's refusal notice.

Main Issues

4. The main issues are (i) the effect of the proposal upon the character and appearance of the area; (ii) whether or not there is adequate on-site amenity space (iii) whether or not there would be sufficient on-site car parking spaces and the effect of the proposal upon on-street car parking demand/stress and (iv) whether or not the proposal includes an acceptable planning obligation including the provision of affordable housing.

Reasons

Site and proposal

5. The appeal site comprises a three storey L-shaped office building located at the junction of Field End Road and Sunningdale Avenue. It is adjacent to the southern boundary of the Eastcote Minor Town Centre and includes about 50 car parking spaces to the rear. Field End Road is more commercial whereas
-

Sunningdale Avenue includes mainly semi-detached and detached dwellings. The predominant building materials in the area are render and brick.

6. It is proposed to demolish the existing building and to erect a new four storey building on the corner of Field End Road and Sunningdale Avenue. This building would include 26 flats. To the rear of the flats building, and fronting Sunningdale Avenue, it is proposed to erect four terraced dwellings with two storey front projecting bays and dormer accommodation (including roof terraces) in the roof space. Each of the dwellings would have one on-site car parking space. There would be 21 on-site car parking spaces for occupiers of the proposed flats which would be located to the rear of the terraced dwellings.

Character and appearance

7. When viewed from Field End Road the existing appeal building is relatively simple in appearance. In common with most of the other commercial buildings on this side of the street, it is three storeys in height, has a regularity of window openings, has a flat front façade and the predominant building material is brick. At this point in the street there is a definite transition towards taller buildings reflecting the fact that one is entering into a town centre location. Whilst the building styles are not all identical in this part of Field End Road, there is nonetheless a consistency of scale and a relatively simple palette of building materials. This gives this part of Field End Road its distinctive character.
8. In contrast to the above, Sunningdale Avenue is characterised by mainly two storey semi-detached and detached dwellings (apart from at the junction with Field End Road where there is a modern two storey Kia garage building) which mainly have bay windows and landscaped front gardens. Again, there is a simple palette of building materials comprising a mixture of brick and rendered walls and overall there is a greater sense of space between and around buildings when compared to the development in Field End Road. The roof slopes of the existing dwellings are mainly unbroken and pitched: they are either gabled or hipped. The existence of highway trees adds positively to the more verdant character of this area.
9. I note that amendments were made to the original planning application submission in respect of the flats building. I acknowledge that the changes made did address some of the concerns raised by the Council's Urban Design Officer. Nevertheless, in the context of the immediate environment the proposed flats building would be much higher than most of the other buildings along the remainder of Field End Road. I recognise that there would be some relief to the proposed elevations, including the use of outside terraces, but nonetheless I consider that the building would appear bulky and dominant on this corner plot. Such concerns would be compounded by the fact that some of the window openings would be much taller than exist in other surrounding buildings. Indeed, they do not reasonably align with the pattern and shape of window openings that exist in the adjoining building and other nearby commercial terraces.
10. The proposed terraced dwellings on Sunningdale Avenue would be sited in an acceptable position and would seek to follow the building line of adjacent dwellings. However, the roof slopes would include large dormers leading onto roof terraces. This would be in direct contrast with the mainly unbroken and simple design to the roof slopes on Sunningdale Avenue. Furthermore, whilst

the appellant has introduced front bays, these are nonetheless more angular and bulky in appearance when compared to most of the curved bays that exist in Sunningdale Avenue.

11. My above concerns would be compounded by the fact that it is proposed to erect a block of terraced houses in a street where dwellings are mainly semi-detached and detached. In addition, there would be limited opportunity to introduce soft landscaping to the front of the properties due to the existence of proposed vehicular cross overs and car parking spaces. Overall, the terraced dwellings would appear discordant and poorly designed in the street-scene detracting significantly from an environment where there is a greater sense of space between and around buildings, and where there is more frontage landscaping.
12. For the collective reasons outlined above, I conclude that the development would have a significantly detrimental impact upon the character and appearance of the area. Therefore, the proposal would not accord with the design aims of saved Policies BE1, BE4, BE13 and BE19 of the Hillingdon Unitary Development Plan 1998 (UDP); Policies 7.4 and 7.6 of the London Plan 2016 and chapter 7 of the National Planning Policy Framework (the Framework).

On-site amenity space

13. Saved Policy BE23 of the UDP states that "*new residential buildings or extensions should provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed and surrounding buildings, and which is usable in terms of its shape and siting*". In respect of the latter requirement detailed guidance is provided in the Hillingdon Design and Access Statement (HDAS) Supplementary Planning Document Residential Layouts 2006 (SPD) which requires a minimum of 100 square metres for a four bedroom house.
14. The proposed four bedroom dwellings would each be provided with approximately 30 square metres of private amenity space and hence would not accord with Policy BE23 and the SPD. Taking into account the size of the proposed flats, the SPD indicates that there should be about 630 square metres of usable and conveniently located communal garden space. The proposed site plan shows a small communal garden area of approximately 200 square metres which would be a significant shortfall.
15. Notwithstanding the above, paragraph 4.18 of the SPD states that "*balconies should be provided wherever possible for upper floor flats, along with private patio or garden areas for ground floor units. Where usable balconies or private garden space has been provided for individual units, the floorspace can be deducted from the calculation of outdoor amenity space*". The proposal would include private balconies and terraces and the Council has provided an excel spreadsheet which details the respective sizes of these areas. The appellant disputes the figures in the spreadsheet. However, even when the appellant's own figures are taken into account, overall there would still be a substantial shortfall in the amount of outside amenity space for occupiers of the proposed flats.
16. The appellant has made reference to paragraph 2.3.32 of the London Plan Housing Supplementary Planning Guidance 2016 (SPG) which states that "*in*

exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement. This area must be added to the minimum GIA". On the evidence that is before me, I am not aware of any exceptional circumstances which would justify allowing the proposal without the requisite amount of on-site amenity space for residents. The proximity of public open space in the immediate area does not amount to exceptional circumstances as private and public amenity spaces are different.

17. The appellant contends that the garden areas associated with the proposed houses would be acceptable in so far that they would exceed the standards prescribed in Standard 26 of the SPG which requires 9 square metres for a house with an occupancy of six people. However, the SPD is a document which has been drawn up locally and indeed the Council say that "*the London Borough of Hillingdon is an outer London authority where private outdoor amenity space is more generous and this is reflected in our own adopted guidance*". Whilst I acknowledge that there is some tension between the SPG and the SPD, I afford greater weight to the SPD given that it specifically reflects the requirements of the London Borough of Hillingdon.
18. I do not agree with the appellant that outside amenity space associated with the proposed flats could reasonably also be used by occupiers of the proposed houses. For the aforementioned reasons, such space would be deficient. It would not therefore be acceptable to put increased pressure on deficient levels of on-site amenity space associated with the proposed flats.
19. For the above collective reasons, I conclude that the proposal would be deficient in terms of on-site amenity space. Therefore, the development would not accord with the amenity aims of saved Policies BE23 of the UDP; the SPD and parts of the SPG. The availability of off-site public open space does not outweigh my overall conclusion on this matter: such space does not offer residents areas of private amenity space.

Car parking

20. The proposal includes one on-site car parking space per terraced dwelling and twenty one car parking spaces for the 26 flats. There is no dispute between the parties that the site has a PTAL score of 3 and hence has moderate accessibility to public transport. Bus services in the area are relatively good and the Eastcote Tube Station is about 250 metres away from the site.
21. The Council contend that the proposal is not acceptable as it would result in the loss of five on-street overnight and Sunday parking spaces on Sunningdale Avenue; provides insufficient on-street car parking; would increase parking demand and would lead to parking stress on surrounding streets. The appellant submitted a car parking survey with the planning application submission and the Council did not dispute the findings of it which indicated that parking stress within the CPZ surrounding the site was 56% and that the proposal would increase such stress to 60%. This therefore suggests that the area is not currently suffering from significant car parking stress.
22. Notwithstanding the above, the Council contend that on-street car parking demand would be much greater if other committed and proposed developments are taken into account. Consequently, the appellant has submitted a report

completed by WSP Parsons Brinckeroff (dated April 2017) which includes further car parking surveys and an assessment of the proposal against committed and proposed developments in the immediate area (i.e. a 500 metre radius).

23. I have no reason to doubt the results of the car parking surveys and I am satisfied, that from a technical point of view, they have been carried out in an appropriate manner. On the evidence that is before me, I do not consider that the loss of five on-street overnight and Sunday parking spaces would give rise to significant on-street car parking demand or stress. The proposal includes the requisite number of spaces to a mobility standard. Furthermore, both the car parking standards outlined in appendix 1 of the UDP and Policies 6.13 and 6.43 of the London Plan 2016 are maximums. Given the PTAL score of 3, the London Plan 2016 states that there would be scope to reduce maximum on-site car parking requirements from the maximum standard. These are more up to date when compared to the UDP 1998 standards, but, in any event, in the notes to annex 1 (car parking standards) of the UDP it states *"all of the standards are maximum (unless otherwise stated) allowing for flexibility to enable developers to provide fewer car parking spaces where this is appropriate, particularly in locations which are accessible to those walking, cycling or arriving by public transport"*.
24. Taking into account the results of all of the appellant's car parking surveys; the PTAL score of 3; the assessment of committed and proposed development in the immediate area; the existing lawful use of the site and the proposed provision of on-site secure cycle parking spaces, I am satisfied that the proposed off-street car parking numbers would be acceptable and that the development would not give rise to significant on-street car parking demand or stress. Consequently, I do not consider that the proposal would conflict with the car parking aims of the UDP or the London Plan 2016.
25. For the above reasons, I conclude that the development would accord with the car parking and sustainable transport aims of saved Policies AM14 and AM15 of the UDP and policies 6.9 and 6.13 of the London Plan 2016.

Planning obligation

26. There was some uncertainty at planning application stage in terms of whether or not the appellant was proposing 30% or 35% on-site affordable housing. Policy H2 of the adopted Hillingdon Local Plan Part 1 – strategic Policies 2012 (LP) requires that for sites which have ten or more residential units 35% of those units should be affordable homes of which 70% of such units should be offered for social rent and 30% as intermediate housing. The appellant has submitted a completed planning obligation which would suitably meet the requirements of Policy H2 of the LP.
27. The Council initially raised some concerns about the detailed wording of the planning obligation and in particular requested some minor changes in terms of the definitions of affordable housing, highway works, affordable rents, planning permission and interest. They also requested an amendment at clause 11 so that the owners were required to notify the Council prior to commencing the development.
28. An amended planning obligation was completed on 4 July 2017. The Council has confirmed that such an agreement is acceptable to them both in terms of

content and wording. I am satisfied that it meets the tests set out in the paragraph 204 of the Framework and Regulation 122 of the CIL Regulations. I conclude that the completed planning obligation is acceptable and that it accords with the aims of Policies AM7 and R17 of the UDP; Policy H2 of the LP; the London Plan 2016; the Council Planning Obligations SPD 2014 and the Council's Air Quality SPG 2002.

Other Matters

29. I have taken into account comments made by other interested parties. Many of the comments made have already been addressed in the reasoning above.
30. I acknowledge that some of the occupiers of the proposed development may request car parking permits. However, I do not envisage that this would be an issue as the car parking surveys have shown that the area is not suffering from significant car parking stress.
31. I have considered the scale and position of the development (including the use of balconies/terraces) and its relationship with surrounding properties. Taking into account the scale and position of the existing development, as well as the separation distances involved, the proposal would not have a significantly detrimental impact upon the occupiers of surrounding properties in terms of loss of light, outlook and privacy. Furthermore, I do not consider that the proposal would give rise to a significant increase in pollution or noise levels in the area. Lighting within the car park could be sensitively and adequately controlled by means of the imposition of a planning condition.
32. None of the other matters raised outweigh or alter my overall conclusion on the main issues.

Conclusion

33. Whilst I have found that the proposal would deliver the right mix and number of affordable homes; suitably deal with construction training matters; would provide an acceptable level of off-street car parking and would not lead to on-street car parking stress, it would nonetheless cause substantial harm to the character and appearance of the area. Furthermore, the proposal does not include a sufficient amount of external amenity space for the occupiers of all of the residential units. Whilst the completed planning obligation is acceptable, the latter issues are of overriding concern and therefore, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR