
Appeal Decision

Site visit made on 24 October 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 01 November 2017

Appeal Ref: APP/R5510/W/17/3179375

Land forming part of 13 Wilstone Close, Hayes UB4 9RL

- 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 Al-Ansari against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72630/APP/2017/752, dated 1 March 2017, was refused by notice dated 19 May 2017.
 - The development proposed is the erection of a two bed dwelling house.
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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; (ii) the living conditions of the occupiers of the appeal dwelling in respect of outlook; (iii) trees on the site and (iv) whether or not there would be sufficient on-site car parking provision and the effect of the development upon on-street car parking demand.

Reasons

Site and proposal

3. The appeal site comprises land which is associated with 13 Wilstone Close. It is undeveloped land which includes a number of trees and is positioned at the end of a cul-de-sac beyond part of the highway which is used for car parking purposes in association with surrounding residential properties. The properties in the cul-de-sac comprise a long terrace of dwellings and to the rear of the site, and visible from within the cul-de-sac, is a five storey building. The gable elevation of No 13 Wilstone Close faces onto the cul-de-sac and this is also forms part of a long terraced of dwellings. The residential properties are all similar in height (two storey) and are positioned so that they are relatively close to the main roads. However, they all have rear gardens which provides a degree of open space between buildings in an otherwise relatively built up area.
4. It is proposed to erect a two bedroom dwelling on the site which would utilise one of the two car parking spaces currently allocated to No 13 Wilstone Close and located within the cul-de-sac. The dwelling would have a gable ended roof profile and would be about 6.5 metres high.

Character and appearance

5. Whilst the proposed dwelling would be acceptable in terms of internal space standards and garden space, it would nonetheless be built in an area which provides some welcome open and green relief from the otherwise very built up estate of houses. The dwelling would face onto a car parking area and when viewed from within the cul-de-sac would also be seen in the context of a five storey building to the rear, the gable elevation of No 13 Wilstone Close and the long terrace of dwellings at Nos 6-13 Wilstone Close. Owing to the scale and position of the proposed dwelling and the tight knit juxtaposition of surrounding development, I consider that it would have the appearance of being shoe horned and cramped within the site when viewed from within the wider street-scene. The overall effect of the proposal would be to unacceptably detract from the open and green relief provided by the appeal site.
6. My above concerns would be compounded by the fact that the design of the dwelling would not harmonise with the dwellings that surround it. In particular, the building would be much lower in height than others in the immediate area and the fenestration details to the front elevation of the building would appear bland and contrived. Unlike other dwellings in the area, there would only be a very small first floor window/ roof light at first floor level. Consequently, the front elevation of the proposed dwelling would include a significant mass of brickwork. This negative impact would be made worse by the fact that the proposed front ground floor shower room window would also be very small.
7. For the collective reasons outlined above, I conclude that the dwelling would appear as a cramped and incongruous addition to this cul-de-sac setting and would have a significantly adverse impact upon the character and appearance of the area. Therefore, the proposal would not accord with the design aims of Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012 (LP); saved Policies BE13 and BE19 of the Hillingdon Unitary Development Plan 2007 (UDP); Policies 3.5, 7.1 and 7.4 of the London Plan 2016; the Hillingdon Supplementary Planning Document HDAS: Residential Layouts (SPD) and Chapter 7 of the National Planning Policy Framework (the Framework)

Living conditions

8. The first floor bedroom to the rear of the proposed dwelling would include a high level openable window at roof level as well as an obscure glazed window. This habitable room window be afforded no horizontal outlook and hence the occupiers of this bedroom would be faced with a very oppressive and enclosing environment. This negative impact would also be faced by the occupiers of the other first floor bedroom at the front of the house. In this case, there would be very narrow side elevation windows and both a high level openable roof window and obscure glazed window to the front elevation. Whilst levels of outlook would not be as bad as that for the proposed rear bedroom, it would nonetheless be on the margins of acceptability. This therefore adds to the identified harm in respect of the proposed rear bedroom.
9. For the collective reasons outlined above, I conclude that the levels of outlook afforded to the occupiers of the proposed dwelling would be significantly adverse. Therefore, the proposal would not accord with the residential amenity aims of Policy 3.5 of the London Plan 2016; the Mayor of London's adopted Supplementary Planning Guidance – Housing 2016 and the SPD.

Trees

10. The appeal site includes a number of trees which contribute positively to the locality in so far that they provide some green/landscaped relief to the otherwise built up area. I reach this conclusion in the knowledge that in themselves the trees are not specimens of great merit as indicated by the Council's Landscape Architect. Nonetheless, this does not diminish the existing contribution that they make to the character and appearance of the street-scene.
11. The proposed dwelling would be built in close proximity to a number of existing trees and it remains unclear whether it would be possible to retain some vegetation including the conifers to the rear of the site. The planning application did not include a tree survey or any other reasonable details to indicate that the trees could be retained / protected as a result of the erection of the dwelling.
12. The appellant states that the Council should have asked for this information at validation stage and, in addition, that they did not request a tree survey or arboricultural assessment at planning determination stage. However, the Council's failure to ask for this information at either validation or planning application determination stages is not adequate justification for ignoring this important matter as part of the determination of this appeal. In the absence of a tree survey and arboricultural assessment, it has not been possible for me to fully determine whether or not the trees on the site can be adequately safeguarded. This is an important matter when considering the overall effect of the proposal upon the character and appearance of the area. Therefore, I cannot conclude that the proposal would accord with the design and amenity aims of saved Policies BE19 and BE38 of the UDP and the SPD.

Car parking

13. There is no dispute between the parties that the appeal site has a low Public Transport Accessibility Level (PTAL) of 1b. I have no reason to disagree with the PTAL score of 1b. The proposal would result in one car parking space for No 13 Wilstone Close (a loss of one car parking space) and one car parking space for the appeal dwelling.
14. Saved Policy AM4 of the UDP states that *"new development will only be permitted where it is in accordance with the Council's adopted maximum car parking standards as set out in annex 1"*. Such standards would require a maximum of two car parking spaces for both the proposed and the host dwelling. However, car parking standards are also detailed in the more up to date London Plan 2016. This indicates that one car parking space per 1-2 bed residential property may be acceptable. However, table 6.2 (Car Parking Standards) of the London Plan 2016 states that *"in outer London areas with low PTAL (generally PTALs 0-1), boroughs should consider higher levels of provision, especially to address 'overspill' parking pressures"*.
15. The aforementioned car parking standards are maximums. In this case, the Council contend that it is necessary for the proposal to include additional car parking provision and that without this there would be considerable car parking stress. Neither the Highway Authority nor the appellant have provided me with car parking surveys. However, I note that some interested parties (for example the occupier of No 20 Wilstone Close) have commented that parking

for residents is limited. Furthermore, whilst I acknowledge that my mid-morning site visit was only a snap shot in time, this was not at a peak car parking period. Nonetheless, I was able to see that there was a significant amount of on-street car parking and that almost the entire dedicated car parking bays was in use. On the evidence that is before me, I do consider that there is significant car parking stress in the area. Taking this into account, as well as the low PTAL score, I consider that the development requires more dedicated car parking spaces.

16. For the above reasons, I conclude that there would be deficiency of on-site car parking provision to serve both the occupiers of the host dwelling and the proposed dwelling. Therefore, the proposal would not accord with the car parking and amenity aims of saved Policies AM7 and AM14 of the UDP; the London Plan 2016 and the UDP.

Other Matters

17. I have taken into account representations made by other interested parties. Many of the comments made have been addressed in the reasoning above. Had the proposal been acceptable in all respects, matters relating to drainage, refuse and construction activities would have been capable of being addressed by means of the imposition of planning conditions.
18. I acknowledge that the proposal would seek to boost the supply of dwellings and widen the choice of residential units in the area. The proposal would provide some construction employment, albeit this would be short lived. However, these social and economic benefits do not outweigh my conclusions on the main issues.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR