
Appeal Decision

Site visit made on 1 November 2017

by M Seaton DipTP MRTPI

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

Decision date: 24 November 2017

Appeal Ref: APP/R5510/W/17/3179893

Land Rear of 17-21 The Close, Eastcote, Middlesex

- 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 Mustafa Ogretici against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 11448/APP/2016/1100, dated 16 March 2016, was refused by notice dated 28 March 2017.
 - The development proposed is the construction of a new bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is comprised of a vacant and overgrown parcel of land set to the rear of the private gardens of properties on The Close. The boundary between the appeal site and the adjoining gardens is defined by timber fencing and a number of trees are present on the land. The site is immediately adjacent to a comparatively narrow access road which provides servicing for the rear of the commercial units on Field End Road, and a large surface pay and display car park servicing the commercial units. Access to residential flats above the commercial units is also achieved from the access road.
4. The proposed development would see the construction of a single large bungalow with associated car parking and gardens on the land. The design of the bungalow is illustrated to be of *a 1930's style*, incorporating square bay windows to the front elevation with gable features over, and with the roof possessing hipped ends. The building would be set 1 metre away from the eastern boundary of the site shared with the rear gardens of the properties on The Close.
5. The location of the appeal site is undoubtedly viewed in the context of the rear of the commercial units on Field End Road, including the various servicing bays, car parking, emergency and rear accesses, and other commercial paraphernalia including the arrangements for refuse and recycling. Within this context, the introduction of the proposed bungalow would appear as an incongruous and

uncharacteristic addition to the street scene of essentially what amounts to a service road.

6. I do accept that elsewhere in the vicinity the land immediately adjacent to the access road is in residential use, and that residential access is required to the flats above the commercial units. However, the access to the flats is of an entirely different character, and with the exception of the existing residential building located at the junction between the access road and North View, I note the residential use of immediately adjacent land to the access road is confined to occupation as gardens rather than as the specific location for dwellings or residential properties. In this respect, as a consequence of the introduction of built form in this location, the loss of trees and mature planting from the site, which is a recognisable characteristic of adjoining land in the vicinity, would also have a limited adverse effect on the character and appearance of the area.
7. In reaching my conclusions, I have been mindful of the appellant's contention, premised upon the conclusions of an Inspector from an appeal granted outline planning permission in 2009 (*Ref. APP/R5510/A/09/2107406*) on the site for an office development, that *some form of development may be acceptable in principle*. However, I note that this permission would appear to have subsequently lapsed without implementation, and my assessment in this respect has focussed on the acceptability of the principle of the introduction of a residential dwelling in this location, rather than whether the principle of development of the land in any form would have the potential to be acceptable.
8. I am satisfied that taken in isolation, the design of the proposed bungalow would be acceptable in the context of the design and appearance of existing development within the wider area. However, the introduction of a dwelling in this location would appear as an incongruous and uncharacteristic form of development which would result in an adverse effect on the character and appearance of the area. The proposal would therefore conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012), and Policy BE13 of the Hillingdon Local Plan: Part 2 Saved UDP Policies (2012). These policies seek to ensure that all new development improves and maintains the quality of the built environment, harmonises with the existing street scene and enhances the local distinctiveness of the area, contributes to a sense of place, and makes a positive contribution to the local area in respect of layout and form.

Other Matters

9. I am mindful that the appeal site is located within an area designated as being Public Transport Accessibility Level (PTAL) 3, and therefore has moderately good access to public transport, albeit that the many services and facilities of Field End Road are only a short distance away. I also accept that the provision of an additional unit of accommodation would make a limited contribution towards the supply of housing in the local area, with the local economy also having the potential to have some limited benefit during the construction and from any expenditure from future occupiers. Furthermore, the proposed dwelling would meet Lifetime Homes Standards and be liable to make a contribution towards the Community Infrastructure Levy (CIL). Nevertheless, whilst acknowledging the limited weight that would be attached to these benefits, I am satisfied that they would not outweigh the harm which I have identified in respect of the main issue.

10. I have noted that interested parties have raised various other concerns, including matters related to the drainage of the site, highway safety and access concerns along the access road, and the potential impact on living conditions from the scale and disposition of the proposed development. However, whilst I have been mindful of these submissions, as well as those of the Council and the appellant on the same matters, as a consequence of my conclusions on the main issues, the determination of this appeal has not turned on these matters, and there has not therefore been any need to address them.
11. Representations were made to the effect that a neighbouring occupier's (Sarah West) rights under Articles 1 and 8 of the Human Rights Act 1998 would be violated if the appeal were to be allowed. However, as I have decided to dismiss the appeal, my decision would not lead to any violation.
12. I have also had regard to the appellant's submissions related to procedural matters encountered during the determination of the planning application. However, these are not issues which have any bearing on the planning merits of the proposed development, and therefore have not had any bearing on my decision-making in respect of this appeal.

Conclusions

13. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR