
Appeal Decision

Site visit made on 21 November 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/R5510/W/17/3181083

56 Star Road, Hillingdon, Uxbridge UB10 0QH

- 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 S Merion against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70020/APP/2016/4467, dated 13 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is a 1 x 2 bed, detached bungalow with associated parking and amenity space Involving demolition of existing garage block.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide acceptable living conditions for future occupants, with particular regard to the provision of outlook, privacy, noise and disturbance.

Reasons

Character and appearance

3. The main elements of the appeal proposal would be located on land to the rear of Nos 54 and 56 Star Road, which comprise two storey terrace dwellings. The part of the appeal site to the rear of No 54 is presently occupied by a block of garages, whilst a single garage and shed are located to the rear of No 56.
4. Reference is made by the Council to a previous appeal decision¹ at this site for two, one bedroom, semi-detached bungalows, which was dismissed on 6 July 2016. In paragraph 9 of his decision the Inspector noted that *"Star Road is characterised by two storey detached, semi-detached and terraced dwellings fronting the highway. There are intermittent examples of bungalows, which create a varied street scene. Long rear gardens serving the rows of terraces lie either side of the vehicular access to the site. Nearby garages are sited around*

¹ Appeal Ref: APP/R5510/W/16/3142884

the access to the rear. They are of a mixed style, finish and size.” This assessment is consistent with my own observations.

5. The Inspector goes on to state that the dwellings would be sited in a similar location to the existing garage block and would be higher and of a different appearance. However it was found that the proposal would not be readily visible from Star Lane due to the terraces and the boundary treatments either side of the access and that their role in relation to that street scene would be limited. The Inspector also found that the introduction of bungalows would reflect the general mixture of dwellings found on Star Road. However, the Inspector highlighted that the proposed development would be set back and detached from the Star Road and as such it would be at odds with the character of same, where properties tend to relate more closely to the road.
6. Whilst I do not have the full details of the previously dismissed appeal scheme, it is evident from the above that the current appeal proposal would occupy a similar position. The previous Inspector's conclusions are therefore material to this case and there is nothing I have seen with respect to the character and appearance of the site that would lead me to reach a materially different conclusion on these matters.
7. I accept that the bungalow itself would not be sited on part of the rear garden of No 56 and that the sub-division of that garden would not leave an area smaller than No 54. However, the garden area of No 54 is uncharacteristically small due to the siting of the existing garages and as such is not a good example to follow. Although there is a relatively large garage positioned at the rear of No 52 Star Road, I do not consider that its garden area is uncharacteristically small.
8. Therefore, even though a garden use would continue, the appeal proposal would result in a substantial reduction in the length of the garden of No 56 and with the relatively shallow depth to the rear of the appeal dwelling, would create two uncharacteristically small gardens. Consequently, the proposal would not conform to the existing pattern of residential development and would create a relatively cramped form of development in an area characterised by long linear gardens.
9. I take no issue with the design and height of the proposed dwelling, which would be more attractive than the garage buildings in this location. I also acknowledge that the footprint of the dwelling would not be significantly different to the existing block of garages. However, these matters do not outweigh the harm created by the scheme layout not reflecting or harmonising with the character of the area. Such harm would not be acceptably mitigated by the use of materials to match that of the surrounding properties.
15. For these reasons, I conclude that the development would result in unacceptable harm the character and appearance of the area, contrary to Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (SP), Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan Policies (UDP) and Policies 3.5, 7.1 and 7.4 of the London Plan. These seek, amongst other matters, to secure high quality design that positively contributes to the local area and enhances local distinctiveness. For the same reasons, I also conclude the development would conflict with The Mayor of London's Supplementary Planning Guidance - Housing.

Living conditions

10. The dwelling would be positioned adjacent to the single storey access track. Consequently the outlook from the front of the dwelling would be directly onto the lane and towards the garage at the end of No 52, in very close proximity. Whilst I have noted the proposed improvements to the track, this would remain a very poor outlook for future occupants.
11. Although the proposal would not result in an unacceptable loss of privacy to existing occupants, given its position at the back edge of the access lane with no meaningful defensible space, future occupants would have vehicles and pedestrians walking across the site frontage in very close proximity. This would result in material harm to future occupants in terms of noise and disturbance as well as poor levels of privacy. Whilst the latter may be mitigated by the use of net curtains, it is not a reasonable starting point to rely on the use of the same throughout the day to provide an acceptable degree of privacy. I accept that this is a quieter location than Star Road, however, those properties are set back from the road frontage with a reasonable degree of defensible space.
12. I therefore conclude that the development would not provide a satisfactory standard of living accommodation for its occupants and thus would be contrary to UDP Policies BE19, BE21, BE24 and OE1, and to the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layouts. These state, amongst other matters, that planning permission will not be granted for new buildings which would result in a significant loss of residential amenity.
13. The Council's reason for refusal also refers to conflict with UDP Policies BE13 and BE15, however, I find these policies to have limited relevance to this main issue.

Other matters

14. Whilst landscaping would soften the setting of the development, it would not overcome the harm I have found to the character and appearance of the area or the living conditions of future occupants.
15. I appreciate that efforts were made with the previous application² to overcome the reasons for refusing the original application³ at this site and that further efforts have been made in relation to this appeal scheme. However, as explained, the previous scheme was refused at appeal and there is nothing before me which leads me to take a materially different position on the current appeal proposal.
16. Having regard to the previous appeal decision, the Council do not consider that a reason for refusal on parking or highway safety grounds could be justified. Based on the evidence before me and my observations on site, I find no reason to take a contrary position.
17. I agree that the site is not green field in nature but as part of the site forms residential garden, that element does not fall within the definition of previously developed land as set out in the National Planning Policy Framework (the

² 70020/APP/2015/3066

³ 70020/APP/2014/1808

Framework). Moreover, paragraph 53 of the Framework states that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

18. I acknowledge that the scheme would comply within minimum internal and external space standards and I have no evidence to suggest that the proposal would increase flood risk. However, lack of harm is a neutral matter in the planning balance and as such cannot weigh in favour of the appeal proposal. I have no evidence to demonstrate that the proposal would materially contribute to community cohesion or protect surrounding land.
19. Reference is made by the appellant to an approval for a new dwelling at Heath Road, Hillingdon. However, as I have limited details of this approval, I cannot be sure that it provides direct comparisons to the appeal proposal such that it represents a precedent to which I should apply material weight. In any case, I have treated the appeal proposal on its own merits.
20. I have noted the appellant's reference to PPS1, however, this document was replaced by the Framework in 2012.

Conclusion

21. For the reasons explained, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR