
Appeal Decision

Site visit made on 30 October 2017

by J E Tempest BA(Hons) MA PGDip PGCertHE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 29th March 2018

Appeal Ref: APP/R5510/W/17/3179293

Land adjoining 1/3 Botwell Crescent, Hayes UB3 2BD

- 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 Pavinder and Aruna Bassi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72105/APP/2017/394, dated 1 February 2017, was refused by notice dated 2 June 2017.
 - The development proposed is erection of three storey building to create 2 x 2 bed and 1 x 1 bed self-contained flats with associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development set out in the heading above is that used in the Council's decision notice and on the appeal form. It describes the proposal more fully than the description on the application form.

Main Issues

3. These are (i) the effect of the proposed development on the character and appearance of the area and (ii) whether the proposed development would provide adequate living conditions for future occupiers with particular regard to outdoor amenity space.

Reasons

The effect on the character and appearance of the area

4. The appeal site lies on the corner of Botwell Crescent and Botwell Lane. The site is fenced off and overgrown. There are established two storey flats or maisonettes to the north and west of the site. Judge Heath Lane to the south west includes a three storey parade of shops with residential uses above. Barra Hall Circus to the south is the junction of several roads, whilst to the east and north east, on the opposite side of Botwell Lane, Barra Hall Park provides a large area of public open space.
5. The site lies outside but immediately adjacent to the Hayes Village Conservation Area. The special interest of the conservation area is summarised¹ as the remaining evidence of Hayes village, interconnected open

¹ Hayes Village Conservation Area Appraisal, London Borough of Hillingdon, September 2015

and wooded green spaces including Barra Hall Park, and a richly varied townscape of historic buildings and building groups. In relation to that part of the conservation area which is nearest to the appeal site, the Conservation Area appraisal refers to important views eastward from Botwell Lane across the open space of Barra Hall Park and towards the roundabout at Barra Hall Circus which acts as a gateway into the conservation area from the southwest. Although not within the designated area, the two storey red brick maisonettes on Botwell Lane are identified as forming an attractive edge to Barra Hall Park. These buildings and the appeal site which is in line with and adjacent to them, form part of the setting of the conservation area.

6. The two storey brick buildings with hipped roofs which comprise a group around Botwell Crescent and Botwell Lane give the immediate area around the appeal site a distinct and cohesive character and appearance. This is enhanced by the front gardens of the properties having front gardens. In spatial and visual terms, the appeal site relates strongly to this group.
7. To the south of the site a series of roads focus on the roundabout at Barra Hall Circus. The parade at James Heath Lane is three storeys and the more imposing nature of this block is well related to its adjacency to the focal point of Barra Hall Circus. This is also reflected in other three storey blocks around the roundabout. Elsewhere development is characteristically two storeys in height. The width of roads and grass verges, the presence of trees and overall layout of this area creates a clear sense of spaciousness and planned development.
8. The large area of open space of Barra Hall Park is the other defining feature which contributes to the character and appearance of the immediate area of the appeal site. The contrasting scale of the park and the appeal site, together with Botwell Lane intervening, means that the appeal site although undeveloped does not appear as a continuation of the open space of the park. The appeal site is however visible from the park and a number of surrounding roads, such that any development on the site will be readily visible from a variety of directions.
9. However, I do not share the appellants' view that what is needed on the appeal site is a visual full stop and orientation for visitors leaving or entering Barra Hall Park. Nor would the proposed development appear as a continuation of the built form of Park Parade due to its detachment from the parade and the site's closer relationship to Botwell Crescent.
10. The design of the proposal utilises the site's corner location and seeks to address the adjacent roads. The proposal makes efficient use of the land and has been designed to minimise impact on the living conditions for occupiers of adjacent properties. The proposal also takes advantage of the south facing aspect of the site. Nevertheless, despite the considerable modelling and articulation which has been incorporated into the design, the introduction of the proposed three storey building would be poorly related to the form of the existing group of buildings of which the site forms part. In particular the second storey, notwithstanding the set-backs and choice of materials would conflict with, rather than complement, the hipped roofs of existing neighbouring development.
11. The modest size of the appeal site is such that there would be little space around the building to provide it with a sufficiently large immediate setting to

assimilate the structure into its surroundings. Although the scheme provides for a small private garden for the ground floor flat and some limited areas of soft landscaping, there would be a considerable amount of hardsurfacing for pathways and car parking. These elements of the proposal would fail to reflect the characteristics of the relationship of buildings to front gardens and verges which make an important contribution to the character and appearance of the area.

12. Taking these factors in combination, the development would appear as a strident and discordant feature on this site, failing to relate positively to the immediately surrounding residential development.
13. At Grange Road in the north west of the conservation area there is a contemporary three storey residential development. This indicates that contemporary approaches to design have been accepted in the wider locality. However, the development at Grange Road is considerably larger than the appeal proposal and stands within a commensurately larger site. Furthermore, there is relatively modern development on the east side of Grange Road. The context of this development is therefore significantly different from that of the appeal site and so does not create a precedent for allowing the appeal proposal.
14. The National Planning Policy Framework sets out that the significance of a heritage asset can be harmed by development within its setting. Taking into account the size of the conservation area and the relatively modest scale of the appeal site, whilst there would be some harm to the setting of the conservation area, the harm to the significance of the designated area would be very limited. There would be public benefits arising from the proposal adding to the housing stock of the area. However, the harmful impact the proposal would have on the character and the appearance of the surrounding area, which includes areas within and outside the conservation area, is sufficient to outweigh the benefits arising from the additional residential accommodation which would be provided. The positive attributes of the scheme are not sufficient to outweigh my findings with regard to the harm to the character and appearance of the area.
15. The proposal is therefore in conflict with Policy BE1 of the Hillingdon Local Plan Part 1 (LP) which requires all new development to improve and maintain the quality of the built environment including, amongst other matters, enhancing the local distinctiveness of the area and to be appropriate to the identity and context of Hillingdon's buildings and townscapes including in terms of form and scale. The proposal fails to meet the expectations of 'saved' Policy BE13 of the UDP² which makes clear that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene or other features of the area which it is desirable to retain or enhance. For similar reasons the proposal does not comply with 'saved' Policy BE19 or with those elements of The London Plan³ Policies 3.5 and 7.4 which seek to enhance the quality of local places and local character, including matters of scale, proportion and mass.
16. To the extent that the proposal would not harmonise or complement the appearance of the immediate surroundings, there would be a degree of conflict

² London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 27 September 2007

³ The London Plan March 2016

with Policy BE4 which requires new development on the fringes to conservation areas to preserve or enhance those features which contribute to their visual qualities.

Living conditions for occupiers of the proposed development

17. The ground floor flat would have a private garden on its south side. The two bedroomed first and second floor flats would each have a south and east facing balcony. The Council's guidelines on outdoor amenity areas are set out in their supplementary planning document⁴ (SPD). The two bedroom flats in the proposal would not meet the minimum areas for outdoor shared amenity space set out in the guidelines.
18. The appellants suggest that the two bedroom flats are unlikely to be occupied by families, but there is nothing to guarantee this would be the case. However, the proximity of Barra Hall Park would mean that occupiers of the flats would have ready access to a large area of high quality public open space. I am therefore satisfied that the combination of balconies and the proximity of the park would ensure that living conditions for occupiers of the flats would be adequate with regard to outdoor amenity space.
19. Consequently I find that in respect of amenity the proposal would not conflict with 'saved' Policy BE19. Neither would the proposal conflict with 'saved' Policy BE23 which, amongst other matters, requires new residential building to provide or maintain external amenity space which is sufficient to protect the amenity of the occupants of the proposed building and which is usable in terms of its shape and siting.

Conclusions

20. For the reasons given above, and having taken into account all matters raised, I conclude that as a consequence of the harm the proposal would cause to the character and appearance of the area, the appeal should be dismissed.

J E Tempest

INSPECTOR

⁴ Residential Layouts, Hillingdon Design & Access Statement, Supplementary Planning Document, adopted July 2006