



Appeal Decision

Site visit made on 9 September 2019

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2019

Appeal Ref: APP/R5510/W/19/3232504

Land adjoining 1a Nicholls Avenue, Hillingdon, UB8 3JL

- 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 Ian Cook against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 54817/APP/2018/4476, dated 13 December 2018, was refused by notice dated 15 February 2019.
 - The development proposed is an application for a detached property containing 3 separate flats and associated parking, bin stores, bike stores, double garage and amenity areas.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposed development on:
 - Character and appearance of the surrounding area
 - Highway and pedestrian safety
 - Living conditions of future occupiers of the development, with particular regard to the provision of accessible and adaptable dwellings.

Reasons

Character and appearance

3. The site is an undeveloped area of land situated to the north of Nicholls Avenue within a predominately residential area. Whilst there are two-storey dwellings adjacent to the site and opposite, the predominant character of the surrounding area is single-storey bungalows set back from their front boundaries with spacious frontages.
4. Although a small number of the bungalows have hipped roofs and some have been subject to extensions and alterations, such as dormer windows, there remains a regularity in their size, in particular their height, which creates a sense of continuity within the streetscene.
5. The size and design of the proposed building would be at odds with this predominant character and would also fail to respond to the adjacent two-storey property in terms of size, design and layout.

6. The two-storey projection to the front, with its squat roof, and the crown roof to the main building, are not characteristic of the adjacent development or surrounding area. They result in the building having a substantial, bulky and imposing appearance. Considering this and the proximity of the building to the front boundary it would be a dominant and incongruous addition within the streetscene.
7. It is acknowledged that the adjacent properties to the west have gable ends closer to the road. However, those properties are bungalows and they are significantly lower in height and therefore less imposing than the proposed development.
8. Whilst the provision of parking to the site frontage would not be out of keeping with the surrounding area, due to the limited set-back of the building and provision of bin and bike storage, the site frontage would appear cluttered and lack the openness that is characteristic of properties in the vicinity of the site.
9. The landscaping areas to the frontage are limited and would provide little visual relief. The appellant considers the Council's minimum standards in relation to landscaping could be achieved and bin/cycle stores relocated, and that these matters could be addressed by condition.
10. However, even when considering the indicative sketch provided by the appellant as to how this could be achieved, due to the limited depth of the frontage, and extent of hard surfacing required for parking and access, I consider the landscaping would still appear limited and fragmented. This could not be dealt with by a condition as it would require significant amendments to the proposal and may impact on-site parking provision.
11. The site is large, and the proposed dwellings would achieve minimum internal space standards and garden sizes. However, this would do little to mitigate the visual harm caused by the overall scale and design of the proposed development.
12. Therefore for the reasons stated the development would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012, (LP) which requires all new development to achieve high quality design and make a positive contribution to the local area and, Policies BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two- Unitary Development Plan 1998 saved Policies, 2012,(UDP) which seek to ensure developments harmonise with the streetscene, complement or improve the character of the area and provide new planting and landscaping, as supported by the Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential Layouts 2006 (SPD)
13. I note the appellant has stated that the design is reflective of their lifestyle and interests and has been informed by the proposed construction methodology. In addition, they consider the crown roof would enhance the internal space, allowing sunlight to the upper flat and the front gable design would add to the aesthetic and maximise solar panel gain. Whilst the proposal would provide additional dwellings and some energy efficiencies, I am mindful that the benefits would primarily be personal to the appellant and I do not consider they would outweigh the harm I have identified above.

14. The appellant has also referred to other examples of developments that incorporate crown roofs, such as developments at 34 Pole Hill Road, Sutton Court Road, junction of West Drayton Road and Harlington Road, 63 Harlington Road and, 43 and rear of 37-47 Snowden Avenue. However, their scale, design and layout, and that of the development surrounding them, varies considerably from the appeal site and they are therefore not directly comparable. Flat roofs the appellant has identified along Nicholls Avenue appear to primarily be dormer windows, which are a more established part of the character of the surrounding area. In any event, I must consider the appeal scheme on its own merits.

Highway Safety

15. The road to the front of the appeal site is open to two-way traffic up to its junction with Bourn Avenue, and I saw on my site visit that although it is not heavily trafficked there are regular vehicular movements.
16. There is an existing vehicular crossover of the pedestrian footpath, which will be utilised as part of the development. This will provide access to frontage parking and rear garage parking for two of the proposed flats. It will also provide rear access to two properties on Harlington Road and an area of land to the rear of the site which is described as being used for storage.
17. Considering this, and that the proposal would provide for a much-improved access, there would likely be a number of vehicle movements into and out of the site, though it is acknowledged that the storage area is currently owned by the appellant.
18. The provision of adequate visibility splays at the site has not been demonstrated. The boundary treatment and positioning of the building, with parking and other obstructions to the frontage, would restrict forward visibility both into and out of the site. Whilst there may be sufficient space for vehicles to turn within the rear of the site, the access proposed is long and it would be of insufficient width to allow two vehicles to pass one another.
19. In addition, it is not clear if sufficient space would be available for pedestrians who will also need to utilise the access. The main entrance to Flat 1 is directly off the vehicular access and it would also provide the only link between Flat 3 and its associated parking and garden area.
20. Due to the restricted visibility it is likely that users would not become aware of each other until either at, or close to, the point of conflict. Even if users were aware of each other the lack of ability to pass on the access would result in an increased need for vehicles to reverse out onto the highway. This would affect the free flow of traffic along Nicholls Avenue and prejudice pedestrian safety.
21. The proposal would also require the creation of a new vehicular access over the existing footpath. I saw on my site visit that there are many examples of dropped kerbs in the vicinity of the site which are of double width or wider.
22. There is an existing crossover at No 1A Nicholls Avenue, and the appeal scheme would introduce a new crossover directly adjacent to this. These crossovers would only serve one dwelling each, and considering the low level of vehicular movements, and that pedestrian refuge would still be available to the site frontage, I do not consider this aspect of the appeal scheme would result in

harm to pedestrian or vehicular safety. I note the Highways Officer has also raised no concerns in this regard.

23. Whilst I have not found harm in relation to the proposed crossover, I have found that due to the proposed level of use of the existing access, its restricted width and visibility onto / from the main highway, the proposal would result in harm to pedestrian and vehicular safety. I am not convinced that these matters could be addressed without significant alteration to the proposal and therefore they could not be addressed by condition.
24. The development is therefore contrary to Policy AM7 of the UDP, which seeks to ensure that developments do not prejudice the free flow of traffic and highway or pedestrian safety.

Living Conditions

25. Policy 3.8 of the London Plan 2016 seeks to ensure that a choice of homes are provided that can meet the differing requirements of future occupants. In particular, it requires 90% of new housing to meet Building Regulation requirement M4(2) '*accessible and adaptable dwellings*'.
26. Whilst the Council have stated that the ground floor shower rooms would not currently accord with the above standard, the appellant has provided a plan indicating how they consider this could be achieved. It appears that amendments would not significantly impact on the internal arrangements of the ground floor flats or proposed building overall and not amount to a substantially different proposal. I therefore consider that this matter could be adequately dealt with by a condition, had I been allowing the appeal.

Other Matters

27. The appellant has referred to previous approvals for development on the appeal site. The most recent approval was for a single detached dwelling. (Council ref:54817/APP/2000/433)
28. Whilst its overall footprint may not be dissimilar to the current appeal scheme, the dwelling was set back further from the frontage, with more substantial areas of landscaping proposed, and its scale and design was more in keeping with the existing property at No 1A.
29. The previous proposal therefore responded more appropriately to its surrounds and would not have been as prominent or incongruous within the streetscene as the current appeal scheme. The site also incorporated the storage area to the rear and was for only one additional dwelling, the use of the access and potential for conflicts would therefore also have been lower.
30. I have not been provided with the details of the earlier 1982 scheme for the appeal site or the scheme approved at appeal at No 2 Nicholls Avenue (Council ref:14033/APP/2017/3555) referred to by the appellant. However, I note the appellant refers to the development at No2 as a '*small new dwelling*' and I did see on my site visit that there are differences between that site and the appeal site. It would therefore not appear to be directly comparable to the appeal scheme. However, even if there are some similarities, I must consider the appeal scheme on its own merits.

Conclusion

31. For the reasons given above and having regard to all other matters raised I conclude that the appeal should be dismissed.

A Denby

INSPECTOR