
Appeal Decision

Site visit made on 19 November 2019

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 December 2019

Appeal Ref: APP/R5510/W/19/3236443

40 Royal Lane, Uxbridge UB7 8DL

- 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 Ms A Afsana against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref: 10789/APP/2019/1414, dated 27 April 2019, was refused by notice dated 25 June 2019.
 - The development proposed is the development of an attached 1 bedroom house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of the occupiers of nearby residential properties at 2, 2A, 4 and 6 Birch Avenue with regard to visual impact, outlook, light and privacy; and (iii) highway safety by way of the proposed parking arrangements.

Reasons

Character and Appearance

3. The appeal property is an end of terrace house. It is located on a sizeable plot, and includes a large side garden area which extends towards the corner of Royal Lane with Birch Avenue. The rows of terraced houses on this side of Royal Lane are set out in a similar arrangement and this results in a distinct sense of spaciousness around the road junctions. This is a pleasing aspect of the local character. It also results in these side gardens being noticeably visible in the streetscene.
4. The proposal would extend the terrace towards the corner of Royal Lane with Birch Avenue. This would result in the marked encroachment of built development associated with the proposed dwelling into the side garden area. As a consequence, the character would be altered to the extent that its current spaciousness would be significantly diminished.
5. The disruption of the open character would give rise to what would be a cramped form of development in the context of the spacious plots around the road junctions. The open areas, or spaces, that would be left on the site would be on a much reduced scale and would place a not insignificant emphasis on

the adjacent garden areas in order to attempt unsuccessfully to lessen this detrimental effect. The proposed dwelling would undermine the important role that these gaps play in local character in providing visual relief from the built development in their vicinity. With its siting towards the corner of Royal Lane with Birch Avenue, the proposed dwelling would also be highly prominent in the streetscene and it would draw attention to that it would appear uncomfortable in these surroundings.

6. As the harm to the character and appearance of the area concerns the loss of the open and spacious character of the site, this would not be adequately addressed by the proposed dwelling not protruding forward of the building line of the terrace. Similarly, that its external appearance would be reflective of the remainder of the properties in the terrace would also not overcome this harm.
7. The appellant has also referred to a number of other developments which are said to be similar to the proposal. In relation to the dwelling at No 2A, its siting still allows for a significant degree of spaciousness on the corner plot, which the proposal would not achieve to the same degree. Where other developments are in the vicinity of the site, these are more modest forms of development and have not unduly changed the prevailing character of spaciousness around the road junctions. More distant examples are too far from the site to have a bearing on the local character.
8. The National Planning Policy Framework (Framework) makes it clear that achieving well designed places applies to all development and so that the appeal site is not the subject of a protective designation does not diminish from the need to properly consider the effect on local character. With the concerns that I have set out, it would also not constitute an appropriate innovation or change in design terms, under the Framework. The same applies as regards the Hillingdon Design and Accessibility Statement Residential Layouts Supplementary Planning Document (2006) (SPD) and its advice on protecting local character.
9. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012) and with Saved Policies BE13, BE15 and BE19 of the Unitary Development Plan (1998)¹ which, collectively, seek to ensure a high quality of design, for development to harmonise with the streetscene and original building, and for new development within residential areas to complement or improve the amenity and character of the area. It would also not accord with the SPD in relation to how the design of new residential development is to be considered.

Living Conditions

10. The rear elevations of the houses at Nos 2A and 2 face towards the side and rear gardens of the appeal property, and contain a number of ground and first floor windows. The areas up to the boundary with the appeal site comprise their respective rear gardens. Due to the angle of the boundary, the house at No 2A is positioned closer to it than No 2.
11. The proposed dwelling would be sited in close proximity to this boundary, in particular where the side and rear elevations would meet. When its 2 storey

¹ Also referred to as the Local Plan: Part 2 - Unitary Development Plan Saved Policies (2012)

height, bulk and scale are also considered, it would appear over domineering and visually intrusive from the rear of these properties, and cause overshadowing to both the houses and their rear gardens. The outlook from their rear windows would also be unduly affected as the proposed dwelling would be markedly closer than the existing dwelling on the appeal site. Such effects would be most experienced by the occupiers of No 2A because the proposed dwelling would be located nearest to this neighbouring property.

12. The rear elevation of the proposed dwelling would contain a first floor bedroom window. Due to the siting, this would be positioned only a short distance off the boundary. It would allow for a direct and an unacceptable level of overlooking of the rear gardens, especially No 2 as its garden extends further back behind the appeal site. Even if I was minded to allow the appeal, imposing a condition to require the proposed bedroom window to be obscurely glazed would not be reasonable as it would substantially reduce the outlook to what would be a sizeable habitable room. The appellant has also referred to the potential to move the window, but these details are not before me to consider.
13. The SPD includes guidance as regards maintaining reasonable levels of sunlight, daylight and privacy for neighbours. With the close distance and relationship between the proposed dwelling and Nos 2 and 2A, it is not evident how the distances and related principles that the SPD sets out would be met.
14. I am less persuaded that the occupiers of Nos 4 and 6 would be unduly affected by overlooking because of the distance they would be away from the proposal. It would not have an unacceptable effect on the living conditions of the occupiers of these properties. Nevertheless, this would not address the harm that would arise to the occupiers of Nos 2 and 2A.
15. I conclude that the proposal would have an unacceptable effect on nearby residential properties, in particular on the occupiers of Nos 2 and 2A by way of visual impact, outlook, light and privacy. Accordingly, the proposal would not comply with Saved Policies BE19, BE20, BE21 and BE24 of the UDP which are concerned with development that compliments and improves amenity, providing adequate day and sunlight, not granting permission that would result in a significant loss of residential amenity, and protecting the privacy of neighbours. It would also not accord with the SPD with regard to its guidance on daylight, sunlight and privacy.

Highway Safety

16. The appeal site contains a hardstanding driveway area that would be altered under the proposal to provide a total of 2 off-street car parking spaces. On-street parking in the area is generally unrestricted although, at the time of my site visit, it was apparent that it is well used.
17. The total number of car parking spaces for the existing and proposed dwellings would be less than the Council's adopted maximum parking standards that I have been referred to. The SPD also reaffirms these standards. Of particular importance in this case, though, is that the potential for on-street car parking would seem to be limited with the existing usage, and there is not the evidence before me that suggests that even some of the required parking could be accommodated on-street. Nor could additional parking evidence be dealt with by way of a planning condition, without having the potential to nullify a

permission if such a resultant analysis was not favourable, even if the appeal was to be allowed. In addition, alternative parking arrangements are not before me for consideration.

18. The Council's Planning Officer Report also states that the site lies in an area with a PTAL of 2. This is a general indication of an unfavourable location by distance from frequent public transport services and would denote a reliance on the use of the car. Taking these matters together, in the absence of adequate levels of off-street car parking, the proposal would have the potential to cause undue highway safety concerns.
19. I conclude that the proposal would have an unacceptable effect on highway safety by way of the proposed parking arrangements. Therefore, it would not comply with Saved Policies AM7 and AM14 of the UDP which concern traffic generation and its effects on highway safety, and the council's adopted car parking standards. For similar reasons, it would also not accord with the SPD.

Other Matters

20. The Council's reasons for refusal also refer to the effect of the proposal on trees on the site. At the time of my site visit, it was not apparent there were trees that might be affected. Even if there were trees on the site previously, there is not an indication these were the subject of a preservation order. Given these circumstances, the proposal would not be unacceptable in this regard and accord with Saved Policy BE38 of the UDP.
21. The Council's reasons for refusal also refer to the Design and Accessibility Statement Residential Extensions Supplementary Planning Document (2008). This attracts limited weight in my decision as it appears to concern householder development rather than new dwellings. However, this does not address the conflict with the development plan policies and the SPD that I have identified.
22. Matters have also been raised in relation to whether or not the proposal would be acceptable in principle. My appeal decision, though, turns on the issues that are set out in the reasons for refusal. The appellant has also referred to the intention that the proposal would improve the health and living conditions of the family. There is limited evidence of what this concerns, given it would seem to be largely of a personal benefit. With the harm that arises, the proposal would not be an effective use of land, or under-utilised land, for housing under the Framework. As the site is a private residential garden in a built-up area, the proposal would not make use of previously developed land.
23. I have been made aware that the proposal is an amended scheme, following an earlier refusal of planning permission. Nevertheless, it is to be determined on its own merits and, for the reasons that I have set out, it would be unacceptable as regards character and appearance, living conditions and highway safety. The harm that would arise is significant and this is decisive.

Conclusion

24. For the reasons set out above and having regard to all matters raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR