



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: 11th December 2019

Appeal Ref: APP/R5510/W/19/3236172

25 Yeading Lane, Hayes, Middlesex UB4 0EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr B. Rundle against the Council of the London Borough of Hillingdon.
 - The application Ref: 73368/APP/2019/1295, is dated 9 April 2019.
 - The development proposed is the demolition of the existing bungalow and the erection of 2No. two-storey detached buildings to accommodate 6No. 2 bedroom self contained flats with associated car parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is in outline form with all matters reserved for future consideration apart from access and layout. The main parties have confirmed that scale is not for my consideration. I have dealt with the appeal on this basis and I have treated any details not to be considered at this stage as being illustrative only.
3. The appeal was submitted on the basis of the failure of the Council to determine the planning application within the prescribed period. The Council has submitted an appeal statement which sets out its objections. As this concerns the matters of dispute with the appellant, it forms the basis of the main issues in this case.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the area; (ii) the living conditions of its future occupiers concerning the outdoor amenity space provision; and (iii) the living conditions of its future occupiers by way of outlook.

Reasons

Character and Appearance

5. The appeal site comprises a sizeable plot of land that contains a bungalow which is positioned towards the site frontage. The rear garden area extends some distance back and is largely open apart from ancillary sized domestic

- structures. The area to the front of the bungalow and up to the boundary with Yeading Lane contains a fairly modest sized front garden with parking to the side.
6. To the north of the site, there is a similar pattern of development with residential properties located towards their site frontages with expansive garden areas to the rear. This pleasingly contributes towards the local character. To the south, the pattern changes considerably with a courtyard-like arrangement of smaller properties on Forsters Way and then a variety of mainly commercial buildings up to a major road junction. Accordingly, there is a clear distinction in character between the site and the residential properties to the north compared to the considerably denser and less spacious development to the south.
 7. The proposed layout would include a large detached building to the rear that would incorporate 4 separate flats. This building would unduly detract from the established pattern of built development that informs the character of the site and the area, with the rear gardens remaining free from development of this size. It would markedly disrupt from the spaciousness to the rear of these properties, as well as resulting in the substantial loss of the site's own contribution to this character.
 8. As the harm that would arise relates to the incursion of the building into the rear of the site, this would not be adequately addressed by this building being substantially screened from the street scene. For similar reasons, nor would the intended use of a contemporary design with a low main roof ridge height, or that both proposed buildings would be set in from the side boundaries of the site. The state of the existing bungalow only has a limited bearing because there is not the substantive evidence before me which demonstrates that a more sympathetic development would not be achievable.
 9. The adjacent dwelling on Yeading Lane is still of a considerably more modest size than would result from the proposal, even though it has been extended. As I have described above, the development at Forsters Way has an appreciably different character to that of the site. I am therefore satisfied that the site circumstances are sufficiently different so as not to alter my conclusion on character and appearance.
 10. I am less persuaded that the proposed parking arrangement to the front of the site would unduly detract from the character. A number of the dwellings along this stretch of Yeading Lane have given over their front garden areas to parking. Nevertheless, this would not satisfactorily address the loss of much of the rear garden area to the proposal and the associated detrimental effects on local character.
 11. I conclude that the proposal would have an unacceptable effect on the character and appearance of the area. As such, it would not comply in this regard with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies (2012), Saved Policies BE13, BE19 and H12 of the Unitary Development Plan (1998)¹ (UDP) and with Policies 3.5, 7.1 and 7.4 of the London Plan (2016) (London Plan) which, collectively, seek to ensure a high quality of design, for development to harmonise with the streetscene and improve or compliment the

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

character of an area, as well as cautioning against the loss of rear gardens to tandem and backland development.

12. It would also not comply with the National Planning Policy Framework in relation to achieving well designed places and, in this respect, with the similar guidance on character set out in the Mayor of London, Housing Supplementary Planning Guidance (2016) (Housing SPD) and in Draft Policies DMH 6 and DMHB 11 of the emerging Local Plan: Part Two - Development Management Policies with Modifications (2019) (emerging LP).

Living Conditions - Outdoor Amenity Space

13. The proposed layout would provide 2 communal garden areas to the rear of each proposed building (Block A and B). The Council's Design and Accessibility Statement Residential Layouts Supplementary Planning Document (2006) (Residential Layouts SPD) sets out guidelines for the amount of outdoor amenity space to be provided. The Council has stated that the proposed areas do not meet the guidelines for the amount that would need to be provided and I have no significant evidence to the contrary. The Residential Layouts SPD states that the guidelines are intended as a minimum.
14. The SPD also states that garden space should be conveniently located in relation to the flats which they serve. The proposed area to the rear of Block A would be particularly small in size and the larger area to the rear of Block B would not be conveniently located for the occupiers of Block A due to the lack of juxtaposition. As a consequence, the siting of this area would not be likely to encourage its use by these occupiers.
15. In addition, the existing provision of public open space in the area would not represent an equivalent alternative. It would not constitute an equally convenient location compared to on-site provision, even though it may be within walking distance and provide for a variety of recreational functions.
16. I conclude that the proposal would not provide suitable living conditions for its future occupiers concerning the outdoor amenity space provision. Therefore, it would not comply in this regard with Saved Policies BE19 and BE23 of the UDP which are concerned with development within residential areas complementing or improving the amenity of the area and the provision of adequate amenity space, amongst other considerations. For similar reasons, it would also not accord with Policy DMHB 18 of the emerging LP. With the shortfall in provision and the lack of a convenient location, it would also not accord with the Residential Layouts SPD in this regard.

Living Conditions - Outlook

17. The proposed floor plans indicate that the main bedrooms for each of the first floor flats in Block B would be served by rooflights, rather than more typical windows. However, these would still permit an outlook, albeit there would not be views towards ground level. Moreover, the living rooms where the future occupants would be likely to spend a significant proportion of their waking hours would have a more usual outlook from what is shown as sizeable windows, as would the smaller bedrooms. Overall, the outlook from the flats would not be unacceptable.
18. I conclude that the proposal would provide suitable living conditions for its future occupiers by way of outlook. In this regard, it would comply with Saved

Policies BE19, BE20 and BE21 of the UDP, Policy 3.5 of the London Plan, the Housing SPD and the Residential Layouts SPD.

Other Matters

19. The proposal would provide benefits by way of contributing to the supply of residential accommodation and be accessible to local services. However, these benefits would be on a minor basis and would not outweigh the significant harm that would arise to the character and appearance of the area and the living conditions of the future occupiers by way of the outdoor amenity space provision. The balance of the evidence does not favour the proposal and this is decisive. All other matters carry neutral weight.
20. Whilst I am not unsympathetic in relation to the reasons why the appellant submitted the appeal, these are not matters that are for my consideration beyond where they concern the planning issues that I have set out.

Conclusion

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

Darren Hendley

INSPECTOR