



Appeal Decision

Site visit made on 16 December 2019

by Adrian Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2019

Appeal Ref: APP/R5510/W/19/3236731

35 Hillingdon Road, Uxbridge UB10 0AD

- 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 Landscure Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 20205/APP/2018/3805, dated 28 October 2018, was refused by notice dated 9 July 2019.
 - The development proposed is double storey side extension, ground floor rear extension, 3 x front roof windows, 1 x side obscured glazed roof window, 3 x rear roof windows and change of use from residential dwelling house (Class C3) to 8 x single occupancy HMO units (Sui Generis).
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development on the character and appearance of the area, and the setting of 34 Hillingdon Road, a Grade II Listed Building;
 - the effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook, light, privacy and disturbance;
 - whether the development would provide an acceptable standard of living for the occupants, with particular regard to its internal layout;
 - the effect of the development on highway safety, with particular regard to the adequacy of parking provision.

Reasons

Character and appearance and Listed Building

3. No 35 is a two-storey, end terrace dwelling on the western side of Hillingdon Road. Like most of the end terraced and semi-detached properties to the north, it has a single storey garage at the side. The resultant gaps between the buildings at upper floor level, which allow views of mature trees in the rear gardens, contribute positively to the local street scene and to the suburban character of this particular stretch of Hillingdon Road.
4. The neighbouring property to the south, No 34, is a Grade II Listed Building. It is a two-storey villa which has been altered over time. Its age, form and

design, mean that it is of high historical value and thus of high significance. Notwithstanding the side extension to No 34, the remaining gap to No 35 and views through to the mature trees behind allow the original spacious layout and essential form of the building to be appreciated. It is also important in physically and experientially separating and differentiating the properties. Therefore, in addition to contributing positively to the street scene in general, this gap also contributes to the significance of the Listed Building.

5. In accordance with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have a duty in determining this appeal to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
6. The Hillingdon Residential Extensions Supplementary Planning Document (2008) (SPD) requires first floor side extensions on end-terrace houses to be integrated with the existing house. There is no requirement for a set-back from the front or for the roof to be set down. The proposal would comply with this guidance so I do not consider that it would fail to harmonise with the architectural composition of the terrace, or have a harmful unbalancing effect on it. I also do not find that the other extension elements would be harmful to the host dwelling.
7. Nevertheless, the gap to No 34 would be significantly eroded. I appreciate a gap would be retained to the boundary in accordance with the SPD, but the reduction in the physical and visual separation between the buildings would create an uncomfortable sense of enclosure around the Listed Building. It would exacerbate the harm from the existing development to the south and compromise appreciation of the original form and layout of the Listed Building. Consequently, the effect of the development on the significance of this designated heritage asset, as a development within its setting, would be harmful.
8. In addition, whilst it is not a Conservation Area, the significant reduction of the gap between the buildings would contrast with the prevailing character of the street scene and cause harm to its character and appearance.
9. The appellant states that the side extension to No 34 is imposing and unsightly, but it is set considerably back from the front of the building and sits below the eaves, such that it is recessive and subservient with very limited visual impact in the street scene. The proposal would be more prominent and for the reasons above, it would not be a benefit to the setting of the Listed Building and wider street scene, as the appellant claims.
10. I conclude that the development would cause unacceptable harm to the character and appearance of the surrounding area, and would not preserve the setting of the Grade II Listed No 34. As such, it would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (2012) (LPSP), Policies BE10, BE13 and BE19 of the Hillingdon Local Plan: Part 2 Saved Unitary Development Plan Policies (2012) (LPDP), and the Residential Extensions SPD. These require, amongst other things, development to: preserve or enhance the setting of historic buildings; harmonise with the existing street scene; and complement the character of the area. There would not however, be conflict with LPDP Policy BE15 and the SPD in respect of harm to the existing dwelling.

11. In reasoning the above conclusion, I consider that the harm to the designated heritage asset would be 'less than substantial' in the terms of paragraph 196 of the National Planning Policy Framework (the Framework). It is therefore necessary that I weigh this harm against the public benefits.
12. Heritage assets, such as listed buildings, are an irreplaceable resource, and should be conserved so that they can be enjoyed for their contribution to the quality of life of existing and future generations. Paragraph 193 of the Framework requires great weight to be given to the conservation of a heritage asset, irrespective of whether any potential harm amounts to substantial, total loss, or less than substantial harm. Paragraph 194 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
13. Housing in multiple occupation (HMO) can provide accommodation for those unable to buy or rent their own self-contained housing, or who do not meet the criteria for social housing, but I have no evidence of a specific need for such accommodation. Moreover, there is no evidence that a more sympathetic scheme could not be achieved. Therefore, there are no public benefits identified that would be sufficient in this case to outweigh the harm that would be caused to the heritage asset as a result of development within its setting.

Living conditions of neighbours

14. The first floor side extension would not project significantly past the front elevation of No 34, but would do past the front-facing windows and door within the side extension of No 34, which is set much further back. From the information before me, that extension appears to be occupied as a self-contained residential unit. The upper window is obscurely glazed, suggesting use as a bathroom, and therefore, I am satisfied that the development would not have a harmful effect on the outlook and light to that window. However, the proximity and scale of the first floor extension would have an imposing presence from the outlook of the ground floor window and reduce the amount of daylight that it would receive. It would also have a claustrophobic effect on the entrance to that property.
15. In addition, I noted that there is a first floor window in the side elevation of No 34 (main building), which appears to serve a kitchen. The first floor side extension would have an oppressive effect on the outlook of this window due to its proximity, and furthermore, it would be intrusive by reason of the proximity and alignment of its own side-facing kitchen window that would be located opposite. Accordingly, I find that the development would be harmful to the living conditions of occupiers of No 34 in these respects.
16. I acknowledge that No 34 extends for some depth along the rear boundary of the appeal property and that the appellant finds it overpowering, but I do not have any evidence of the age of that extension and the circumstances which led to its existence. In any event, it does not justify the harm that would be caused by the proposed extension, which I have considered on its own merits.
17. I note concerns have also been raised over the intensification of the use of the property and the potential for noise and disturbance from comings and goings. The number of separate households would have potential for more movements and activity. Nonetheless, the daily movement patterns of the occupants for

travel to work and for leisure and shopping purposes are unlikely to be too dissimilar to a single household. From the evidence before me, some neighbouring properties are already used as flats and bedsits. I am also mindful that Hillingdon Road has a busy character with relatively high background noise from traffic, and that the HMO would be subject to licensing control. As a result, I do not find that the intensification of use would have a serious harmful impact on the living conditions of neighbours through disturbance. In this respect, there is no conflict with LPDP Policies OE3 and BE19. However, this does not outweigh the harm I have identified, as set out above.

18. Accordingly, whilst the intensification of use would not have an unacceptable effect on neighbours, I conclude that the development would have an unacceptable effect on the living conditions of occupiers of No 34 by reason of outlook, light and privacy. As such, it would conflict with LPDP Policies BE19, BE20, BE21 and the Residential Extensions SPD, in so far as they seek to safeguard the living conditions of neighbours having regard to outlook, light and intrusion.

Living conditions of the occupants

19. The communal lounge area on the ground floor would be located centrally within the property without any windows for outlook, natural light and ventilation. As such, it would be an oppressive and poor quality communal space for the occupants.
20. In addition, I note that bedrooms 2, 3 and 4 would be adjacent to the communal lounge. The Hillingdon HMO SPD (2004) advises against locating bedrooms adjacent to noisy rooms, such as living rooms, because of the likelihood of noise disturbance to other tenants. The lounge could be used by other occupants for socialising, watching television or listening to music at times when those in the adjacent bedrooms are trying to relax or sleep. It would also be undesirable to have people coming in and out of their bedrooms through the lounge when others are socialising or relaxing.
21. The appellant contends that the internal layout could be revised and that this could be dealt with by a condition. However, there is no evidence before me to demonstrate with any certainty how these issues could be overcome. In any case, the appeal process should not be used to evolve a scheme. I therefore do not consider such a condition to be appropriate.
22. For these reasons, I conclude that the development would not provide an acceptable standard of living for the occupants due to the internal layout, which would be harmful to their living conditions. As such, it would conflict with LPDP Policy BE20 and the HMO SPD in so far as they seek to ensure rooms receive adequate levels of natural light and that careful attention is paid to internal layout to avoid noise disturbance. It would also conflict with paragraph 127(f) of the Framework to secure a high standard of amenity for all future users of the development.

Car parking

23. Hillingdon Road (A4020) is a highly trafficked arterial road of dual carriageway width into Uxbridge town centre. The vicinity of the site is subject to parking restrictions during the day. There is a single yellow line along the western edge

of the carriageway outside the appeal site and a limited number of permit spaces further to the south. It was observed that the on-street parking spaces were in high demand and an obstruction to the free flow of traffic along Hillingdon Road, effectively limiting it to single lane in places.

24. The Council's Adopted Parking Standards for HMOs, as set out in Annex 1 to LPDP Policy AM14, requires the development to provide 4 parking spaces. Whilst this is depicted on the drawings, in reality the arrangement would not be practical. The entrance is narrow and I am not satisfied that 4 cars could successfully manoeuvre into and out of the site and park without any being obstructed. Some degree of obstruction may be manageable in single household occupation, but not when unrelated occupants will each have different movement patterns. As a result, I consider that parking is likely to be displaced onto the highway, particularly in the evenings, to the further detriment of the free flow of traffic along Hillingdon Road and highway safety.
25. I am mindful that although the site has a PTAL2 rating, there are nearby bus stops on Hillingdon Road to access the shops and other facilities in Uxbridge, including the underground station, which themselves are also within reasonable walking distance. As such, the occupants of the HMO would not be reliant on the private car. However, this does not necessarily mean that they will not own a car. Some degree of car ownership would be likely and the level is reflected in the Council's Adopted Parking Standards. The supporting text to LPDP Policy AM14 also states that secure off-street parking for residents affords them the opportunity to leave their cars at home and use public and other sustainable transport. Accordingly, I do not accept the appellant's contention that the location should off-set the need for the development to make adequate provision for car parking.
26. I conclude that the development would not make suitable provision for car parking and as a consequence there would be an adverse effect on highway safety. As such, it would conflict with LDDP Policies AM7, AM14 and the HMO SPD, which seek compliance with the Council's Adopted Parking Standards and to ensure development does not prejudice the free flow of traffic or conditions of general highway safety.

Conclusion

27. For the reasons set out above, the proposal as a whole would be contrary to the relevant identified policies of the development plan, and the Framework. In addition, the scheme would fail to satisfy the requirements of the Act.
28. I therefore conclude that the appeal should be dismissed.

Adrian Caines

INSPECTOR