



Appeal Decision

Site visit made on 14 January 2020

by Thomas Hatfield BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/R5510/W/19/3237924

1-2 Marlborough Parade, Uxbridge Road, Uxbridge, UB10 0LR

- 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 Erindale Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 19108/APP/2019/936, dated 11 March 2019, was refused by notice dated 17 June 2019.
 - The development proposed is described as *"3-storey side extension and 2-storey rear extension to create 1 no. A1 retail unit, 2 no. 1-bed residential units and 3 no. 2-bed mews units with associated amenity space, cycle and refuse storage"*.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council adopted a new Local Plan Part 2 - Development Management Policies in January 2020, after its refusal of planning permission. The new Local Plan Part 2 has superseded the saved policies of the previous Hillingdon Unitary Development Plan (1998). In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my Decision. In addition, the Council has confirmed that it has now withdrawn the Hillingdon Design and Accessibility Statement Supplementary Planning Document (2006), which is referred to in the Decision Notice.

Main Issues

3. The main issues are:
 - (a) Whether the development would provide adequate living conditions for future occupiers with regard to outlook, privacy, and access to outdoor amenity space;
 - (b) Whether the development would be accessible to disabled users; and
 - (c) The effect of the development on the character and appearance of the area.

Reasons

Living conditions

4. The development proposes 3 rear-facing 'mews' units that would be in close proximity to the side elevation of No 2 Marlborough Road. In this regard, Units

- 2 and 3 would be 4.65 metres (according to the Council) or just under 6 metres¹ (according to the appellant) from No 2 Marlborough Road. In either case, the front windows to those units would face directly onto a 2 storey brick wall at close quarters. This would result in very poor levels of outlook from those rooms which would create a harmful and oppressive sense of enclosure to future occupiers. Whilst side facing views would be available from first floor oriel windows, these would only be visible to someone stood directly in those windows. This would not adequately mitigate the poor outlook to those rooms, nor would any mitigation be provided at ground floor level.
5. It is asserted that mews properties typically consist of smaller units that look onto neighbours at relatively close distances. However, those type of arrangements are usually historic and often pre-date the modern planning system. Moreover, no directly comparable examples have been highlighted from within the surrounding area. In any event, I consider that the level of outlook that is proposed would be unacceptably poor in this case.
 6. A Daylight & Sunlight Assessment² has been submitted in support of the development. This concludes that all habitable rooms would meet recommended Average Daylight Factor levels. However, that does not alter my concerns in relation to outlook.
 7. Separately, a rear facing window to No 3 Marlborough Parade would be positioned opposite the living/kitchen/dining room window to Unit 3. This would allow for clear intervisibility between those rooms at a very narrow distance, which would undermine the privacy of both properties. Whilst a privacy screen could be installed to restrict mutual overlooking, this would create an overbearing presence that would dominate the outlook from the window to Unit 3 along one side.
 8. The proposed communal garden area would fail to meet the minimum size required by Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020). Whilst I acknowledge that this is a relatively constrained urban site, the shortfall against this policy requirement would be significant. Moreover, the parts of the garden area positioned around the communal stairwell, and in front of Unit 1, would have limited usability due to their narrow shape. In addition, windows serving the living/kitchen/dining areas to Units 1, 2, and 3 would face directly onto the communal garden area. This would allow for direct views into those rooms at close quarters from anyone using the garden area. This would significantly undermine the privacy of those rooms. Overall, the design and quality of the proposed communal garden area would be poor in my view.
 9. For the above reasons, I conclude that the development would provide inadequate living conditions for future occupiers with regard to outlook, privacy, and access to outdoor amenity space. It would therefore be contrary to Policy 3.5 of the London Plan, and the relevant sections of Policies DMHB 11 and DMHB 18 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020). These policies seek to ensure that new development is of the highest quality internally and externally, does not adversely affect amenity, and is served by good quality private outdoor space.

¹ It is unclear whether this includes the recently constructed 2 storey side extension to No 2 Marlborough Road

² Daylight & Sunlight Assessment (Brooks Development, 25 September 2019)

Accessible to disabled users

10. Policy 3.8 of the London Plan requires that 90% of new dwellings meet Building Regulation requirement M4 (2) 'accessible and adaptable dwellings', and a further 10% meet Building Regulation requirement M4 (3) 'wheelchair user dwellings'. These standards require, amongst other things, that new dwellings achieve step free access. In this regard, the development would not contain a lift, and access to the 2 studio apartments would be via an internal stairway.
11. Part 2.3.11 of the London Housing SPG states that if proposals do not include step free access, they should clearly demonstrate that this would make the development unviable or make service charges unaffordable for the intended residents. However, no detailed or technical evidence has been submitted in relation to these matters. Moreover, there is no detailed information before me to show that a lift would cause significant practical difficulties. In the absence of this information, I am unable to conclude that a departure from the requirements of Policy 3.8 of the London Plan is justified in this case.
12. It is asserted that the proposal constitutes a conversion and would therefore be exempt from this policy. However, the existing garage structure is proposed to be demolished and each of the 5 new dwellings would be contained within a newly constructed extension. In this regard, the vast majority of the development would not constitute a conversion.
13. For the above reasons I conclude that the development would not be sufficiently accessible to disabled users. It would therefore be contrary to Policy 3.8 of the London Plan and the London Housing SPG.

Character and appearance

14. The development would extend the existing parade to the side and would infill a small gap that is currently used for bin storage and car parking. The extension would be set down in height, and set back from the front elevation, and it would be subordinate in appearance in my view. Its design would also be in keeping with the parade when viewed from along Uxbridge Road. Whilst it would extend the building up to the back edge of the footway it would not create an unduly imposing feature within the street. In this regard, I note that the existing garage building is already positioned next to the footway.
15. When viewed from along Marlborough Road, the development would have a very similar built footprint and height to the existing building. In this regard, it would have no greater effect on the building line than at present. In any case, the building line along Marlborough Road is stepped in this location, and the appeal site is positioned directly opposite an existing outbuilding at the back edge of the footway. In this context, it would not appear out of keeping.
16. For the above reasons, I conclude that the development would not significantly harm the character and appearance of the area. It would therefore accord with Policies 7.1 and 7.4 of the London Plan, Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), and the relevant sections of Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2 - Development Management Policies (2020). These policies seek to ensure that new development is designed to the highest standards and is well integrated with the surrounding area.

Other Matter

17. It is asserted that the site could be re-let as a garage in the event that the appeal is dismissed. However, it has not been demonstrated that an alternative scheme, without the shortcomings I have identified above, is unachievable on this site. Moreover, there is no evidence before me to indicate that the previous garage use resulted in disturbance to local residents or generated a significant number of noise complaints.

Conclusion

18. As set out above, I conclude that the development would provide inadequate living conditions for future occupiers of the development and would not be accessible to disabled users. Whilst it would provide new housing in a relatively accessible location, on a brownfield site, and would generate some modest economic benefits, that does not alter my view that the appeal should be dismissed.

Thomas Hatfield

INSPECTOR