



Appeal Decision

Site visit made on 20 January 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2020

Appeal Ref: APP/R5510/W/19/3240243

53-55 The Broadway, Joel Street, Northwood HA6 1NZ

- 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 Dholak Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 5564/APP/2018/4100, dated 19 November 2018, was refused by notice dated 23 October 2019.
 - The development proposed is the erection of a three storey building incorporating habitable roofspace to provide 1 x studio; 1 x 1 bedroom; 1 x 2 bedroom; and 2 x 3 bedroom units with associated parking and bin and cycle storage, involving alterations to existing crossover.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The number of dwellings proposed was reduced during the course of the determination of the planning application and therefore I have used the description of development stated on the decision notice and appeal form in the banner header above.
3. Since the Council refused planning permission it has adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP). As a result, the Policies within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force. The Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Layouts 2006 has also been withdrawn.
4. The Council has confirmed that the adopted P2LP Policies that it relies on are DMT 1, DMT 5, DMT 6, DMHB 11, DMHB 14 and DMHB 18. All of these policies were referred to in their emerging form in the Council's reasons for refusal and copies of the emerging policies were provided with the appeal documentation. The Council has subsequently provided copies of the adopted policies and there are no fundamental differences between the emerging and adopted policies that would affect the determination of the appeal.
5. On this basis, I have proceeded to determine the appeal without seeking further comments from the parties.

Main Issues

6. The main issues are the effect of the proposed development upon (i) the character and appearance of the area, (ii) the living conditions of the future occupiers of the dwellings with reference to the provision of outdoor amenity space and (iii) whether the location of the disabled parking spaces would be accessible for users of the adjacent gym.

Reasons

Character and appearance

7. The site is positioned within an area that is defined by the transition between the substantial commercial buildings that front onto Joel Street and the traditional two-storey and single storey dwellings that are located on Ferndown and its surrounding residential streets. As a result, there is great variation between the scale of buildings, including in their heights and massing, and in their general design and appearance. At the present time the site provides an informal parking area and appears as a gap in the relatively densely developed pattern that prevails in the area.
8. The proposed building would sit in between a two-storey dwelling on Ferndown and 53-55 Joel Street, whose rear elevation is, at its highest points, four-storey in height. As a result, its two and a half story height would represent a logical stepdown in height. Although the proposal would occupy most of the width of the appeal site, it would be set back into the site and its width would not be visually out of place in the context of the existing area. Whilst the proposed front elevation would not be symmetrically designed, it would nonetheless achieve an appearance that would be appropriate amongst the varied designs of surrounding buildings. Accordingly, the proposed development would not result in harm to the character and appearance of the surrounding area.
9. Whilst the proposal would not be able to incorporate an extensive amount of landscaping, there is potential to provide some landscaping to the frontage of the site. The surrounding area is characterised by the built form and whilst dwellings in the area generally have front gardens, many have been hard surfaced to allow for off-street car parking. The amount of landscaping that could be provided would therefore be appropriate within this context.
10. For these reasons I conclude that the proposed development would not cause harm to the character and appearance of the area. Accordingly, there would be no conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (P1LP), Policies DMHB 11 and DMHB 14 of the P2LP or Policies 3.5 and 5.10 of the London Plan 2016 (LP), all of which seek to safeguard character and appearance.

Living conditions

11. With the exception of the ground floor flat, the proposed outdoor amenity space for each flat would be limited in its scope, consisting of narrow balconies which would be in close proximity to the railway line and station which are to the rear of the site. They would fail to meet with the minimum size requirements set out by Policy DMHB 18 of the P2LP and this, in combination with their somewhat linear layouts and their poor outlooks would mean that inadequate outdoor amenity space to serve the future occupiers of the flats would be provided.

12. The appellant has made reference to the fact that the proposed flats have internal spaces that exceed minimum standards and that the site is located within a town centre location. In addition, reference is made to the presence of existing public open space in the surrounding area which future occupiers could utilise. Whilst these factors offer some mitigation against the under provision of outdoor amenity space, they do not adequately compensate for the poor provision that is proposed.
13. I acknowledge that the outdoor amenity space provided for each flat would meet the requirements of the Mayor of London's Housing Supplementary Planning Guidance (Housing SPG). Nevertheless, Policy DMHB 18 of the P2LP states that the Council considers that higher standards of private amenity space should be possible in the Borough, exceeding the requirements of the Housing SPG. And, in any event, I have found that the balconies would be of a poor design and positioning.
14. Reference has been made to other schemes where the Council has not previously applied its own minimum space standards, including relating to a previous approval on the appeal site. I have however not been provided with the specific circumstances relating to these and they pre-date the Council's adoption of the P2LP, which sets out the Council's current position on the provision of outdoor amenity space. In any event, I am not bound by other Council decisions and I am required to determine the appeal based primarily upon its own merits and accordingly I have done so.
15. I therefore conclude that the proposed development would not provide adequate outdoor amenity space and therefore it would not provide acceptable living conditions for future occupants. It would conflict with the specific requirements of Policy DMHB 18 of the P2LP and the general objectives of Policy 3.5 of the LP, both of which seek to ensure that new developments meet the needs of their residents. Whilst I have given weight to the compliance with the Housing SPG and to the mitigation factors outlined by the appellant, these do not outweigh the conflict with Policy DMHB 18 and the poor design and location of the outdoor amenity space that I have found.

Accessibility

16. An existing disabled parking space is evident within the undercroft of the gym building. It is unclear if there is any further provision, however I have not been directed to such by either party. The proposed disabled parking spaces would be adjacent to the existing space and therefore there would not be a material change in the distance between these spaces and the entrance to the gym on Joel Street. Furthermore, the entrance to the gym is immediately adjacent to Northwood Hills station and to bus stops and there is an on-street disabled parking bay in close proximity. These factors combined mean that there is adequate provision to allow for access to the gym by disabled persons.
17. For these reasons, I do not consider that the proposed development would cause harm with respect to accessibility. Consequently, there would be no conflict with Policies DMT 1, DMT 5 or DMT 6 of the P2LP or Policy 7.2 of the LP all of which seek to ensure that proposed developments make adequate provision for accessibility.

Other matters

18. The appellant has drawn attention to the fact that the proposed development would make efficient use of a brownfield site and provide 5 new homes in an appropriate town centre location. Whilst these factors offer support to the proposal, they do not outweigh the significant harm that I have identified which would arise to the living conditions of future occupiers of the flats.

Conclusion

19. Although I find no harm to character and appearance or to accessibility, I do find that the proposal would fail to provide acceptable living conditions for future occupiers and a resultant conflict with the development plan. Therefore, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR