



Appeal Decision

Site visit made on 21 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/19/3239256

47 Fairfield Road, Uxbridge UB8 1AZ

- 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 planning permission.
 - The appeal is made by Mr S Khakharia against the Council of the London Borough of Hillingdon.
 - The application Ref 21763/APP/2019/2571, is dated 29 July 2019.
 - The development proposed is the demolition of an existing house and erection new residential building including ground, first and roof floor accommodation housing 1 replacement dwellings and 5 new dwellings with associated bins and cycle store. Alterations to access and drop kerb.
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Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matters

2. The Council adopted the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (P2LP) on 16 January 2020. 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within that document carry full weight and they have replaced the Local Plan Part 2 Saved UDP Policies 2012, which are no longer in force.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Hillingdon Design and Accessibility Statement Supplementary Planning Document – Residential Layouts 2006 has also been withdrawn.
3. The Council has confirmed that the adopted P2LP Policies that it relies on are DMT 2, DMH 4, DMHB 11 and DMHB 12. Although the Council did not make a decision on the planning application, they have provided a copy of a Planning Committee Report which outlines how they would have determined the application, and this includes reference to these policies in their emerging form. Copies of the emerging policies were provided with the appeal documentation and the Council has subsequently provided copies of the adopted policies. There are no fundamental differences between the emerging and adopted policies that would affect the determination of the appeal.
4. On this basis, I have proceeded to determine the appeal without seeking further comments from the parties.

Main Issues

5. The appeal is against a failure to determine the planning application, however the Council has indicated that the application would have been refused on the

basis of the impact upon character and appearance, living conditions, highway safety and internal accessibility.

6. These therefore form the main issues relating to this appeal which are the effect of the proposed development upon (i) the character and appearance of the area, (ii) the living conditions of the occupiers of 45 Fairfield Road, with reference to outlook and overlooking, (iii) highway safety with reference to parking provision and (iv) the accessibility of the building for future residents.

Reasons

Character and appearance

7. Fairfield Road is characterised by a mixture of dwellings and purpose-built apartment blocks, although the buildings closest to the appeal site on both Fairfield Road and Harefield Road are traditionally designed dwellinghouses. The height of development in the surrounding area is generally two-storey, or two-storey with accommodation built into roof spaces. Although the buildings in this location are for the most part large in size, they sit within generously sized plots. These factors taken together give the area a pleasant and spacious suburban character and appearance.
8. The proposed development would introduce both a mass and design of development that would not be consistent with that which exists in the area. The footprint of the proposed building would be substantially greater than that of the existing dwelling and would occupy much of the width of the site, bringing it closer to Harefield Road. This excessive width, in combination with its three storey height, would form an incongruous and cramped feature. This would be exacerbated by the appeal site being elevated above the road. Furthermore, the proposed building would dominate the adjacent dwellings on Fairfield Road, due to their smaller scale.
9. The design of the proposal would also fail to integrate within the existing street scene, being of an architectural style and a general appearance that is not common in the locality, including due to the incorporation of a substantial flat roof. This design would jar with the existing pitched roof development on Fairfield Road.
10. The appellant has referred to an appeal decision at 190 Joel Street, Northwood (APP/R5510/W/18/321759) whose circumstances and impact they consider to be similar to that of the appeal development. Whilst 190 Joel Street is some distance from the appeal site, I had occasion to view its surrounding street scene whilst undertaking site visits in that area. During my visit, I noted there to be significant differences between its surroundings and that of the appeal site. Therefore, that appeal decision is not directly comparable to the case before me.
11. The appellant has also referred to aspects of the design which they consider to display environmental benefits, such as the ability of the flat roof to provide a green roof and the potential to provide extensive landscaping on the site. Reference is also made to the fact that the site is well screened and that it does not fall within a defined Area of Special Character. Whilst these considerations are noted, they do not outweigh the significant harm to character and appearance that I have found.

12. Policy DMH 4 of the P2LP seeks to limit the amount of flatted development that can be constructed within an area, with the primary purpose of protecting its character and appearance. Neither the Council nor the appellant have provided any substantive evidence as to whether or not the proposal would result in more than 10% of properties having been redeveloped into flats. However, given that there is not a proliferation of flats in the immediate vicinity of the site and that the appellant has drawn attention to the permission which has been granted to convert the existing dwelling to two flats, I am not persuaded that the proposal would conflict with the aims of Policy DMH 4.
13. I conclude that the proposed development would cause significant harm to the character and appearance of the area by reason of its mass, design and positioning. Consequently, the proposal conflicts with the design aims of Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (P1LP), Policies DMHB 11 and DMHB 12 of the P2LP and Policies 3.5, 7.1 and 7.4 of the London Plan 2016 (LP) all of which seek to protect character and appearance. Whilst I have not found there to be a conflict with the aims of Policy DMH 4 of the P2LP, this does not outweigh the harm that I have identified.

Living Conditions

14. The adjacent dwelling, No 45, has a number of primary windows in its rear elevation. It does however occupy a wide plot which overall gives it a good outlook from these windows. Given the limited degree that the appeal proposal would project beyond the rear elevation of No 45 and on consideration of the extensive outlook that the property enjoys, the proposal would not have a harmful impact on the outlook from that property. There would be a number of windows located on the rear of the proposed development, but these would allow only oblique overlooking on to No 45. Such an arrangement is usual in urban environments such as this, and any overlooking that would be possible would not cause harm to the living conditions of the occupiers of No 45.
15. I conclude therefore that the proposed development would not cause harm to the living conditions of the occupiers of No 45. There would therefore be no conflict with Policy DMHB 11 of the P2LP, which seeks to safeguard living conditions.

Highway Safety

16. Parking provision would be provided within the site and there are also permit parking bays available on the road immediately outside of the site. Other properties in the vicinity of the site generally have generous forecourts with ample parking, which reduces parking pressures on the public highway. Existing highway visibility at the junction with Harefield Road would be unaffected. The Highway Authority did not raise an objection to the proposal and based upon the evidence before me and my own observations, I too am of the view that the parking provision proposed would be adequate and that there would not be harm to highway safety as a result of on-street parking.
17. I therefore conclude that the parking provision proposed to serve the development would not result in harm to highway safety. Accordingly, there would be no conflict with Policy DMT 2 of the P2LP.

Accessibility

18. The proposed building would not include a lift and therefore access to the upper two floors would be only possible by stairs, which would exclude some people, such as those with certain disabilities, health problems or older people from living on those floors. Whilst the London Plan concedes that the requirement for a lift may have viability implications for buildings of four storey or less, this should be evidenced by a development-specific viability assessment. As no such assessment has been provided, the possibility of including a lift in the appeal development has not been adequately explored. I note that the appellant considers the requirements to be onerous for the scale of the development, however it is both reasonable and necessary for this to be evidenced. The fact the ground floor flats could be made accessible would not provide adequate mitigation, nor demonstrate compliance with the relevant policies. Furthermore, it would not address the issue of changing lifetime needs of people occupying the upper floors.
19. The appellant has made reference to a planning permission which allows for the conversion of the existing dwelling into two flats, and that this does not include a requirement that a lift be provided. However, the appeal proposal is for a greater number of dwellings and would take the form of a new building, which according to Council Policy, should provide a lift in these circumstances. The other instances to which the appellant has referred, which include the 190 Joel Street appeal, do not address the fact that there is no evidence to demonstrate that the appeal development would comply with the relevant development plan policies relating to accessibility.
20. I conclude that the proposed development would not provide satisfactory internal accessibility and would result in a conflict with the aims of Policies 3.8 and 7.2 of the LP and the Accessible Hillingdon Supplementary Planning Document 2013.

Other Matters

21. The appellant has identified a number of factors which they consider offer support to the appeal, including that the proposed development would provide additional dwellings on an underused site, that it would meet housing demand, that it could be delivered more quickly than larger strategic sites, that the Council has previously accepted the principle of flats at the appeal site and nearby and that there would be economic, social and environmental benefits including in delivering growth in a location that is accessible to local amenities and public transport and in reducing land take elsewhere. Taken together, these considerations offer moderate weight in support of the proposal. However, they do not outweigh the significant harm to the character and appearance of the area that would arise.

Conclusion

22. Whilst I have not found harm to living conditions or highway safety, I have found significant harm to character and appearance and a failure to demonstrate that the proposal would be accessible, both of which result in a conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight INSPECTOR