



Appeal Decision

Virtual Hearing held on 2 September 2020

Site visit made on 3 September 2020

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2020

Appeal Ref: APP/R5510/W/19/3243159

Land to the east side of Newport Road, Hayes, London

- 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 Bugler Homes Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 73298/APP/2018/4477, dated 20 December 2018, was refused by notice dated 30 July 2019.
 - The development proposed is demolition of existing buildings and redevelopment to provide 24 residential units (14 x 1 bed, 8 x 2 bed and 2 x 3 bed) in a part three storey, part four storey building with associated car parking, cycle parking, access and refuse facilities.
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Decision

1. The appeal is dismissed.

Applications for costs

2. Shortly before the Hearing, an application for costs was made by Bugler Homes Limited against the Council of the London Borough of Hillingdon. At the Hearing an application for costs was made by the Council of the London Borough of Hillingdon against Bugler Homes Limited. These applications are the subject of separate decisions.

Preliminary Matters

3. The application was amended during the course of the planning application, reducing the number of units from 26 to 24. This was the basis on which the Council determined the application and I have considered the appeal on the same basis.
4. After the Council had issued its decision, it adopted the Hillingdon Local Plan: Part 2 – Development Management Policies (2020) (DMP). This replaced the Council's Unitary Development Plan policies (2012) (UDP) and the Hillingdon Design and Accessibility Statement (HDAS).
5. During the course of the appeal, the appellant made a further planning application to the Council for a similar residential scheme of 24 units, seeking to address the Council's concerns about the appeal scheme. Before the Hearing, the Council resolved to grant planning permission for this alternative scheme, subject to appropriate planning obligations being secured. There is no dispute between the parties that this represents a realistic fallback position and

that the alternative scheme is likely to be implemented if the appeal is dismissed. I have no reason to take a different view, notwithstanding that negotiations remain ongoing in respect of planning obligations such that planning permission is yet to be formally granted.

6. Prior to the Hearing, the Council confirmed that it would not defend its second (neighbours' living conditions), third (vehicular access) or fourth (amenity space) reasons for refusal as stated in its decision notice. As such, it is not necessary for me to adjudicate on these issues. Furthermore, the submission of a suitable planning obligation had the potential to overcome its fifth reason for refusal (absence of planning obligations), though this had not been completed by the time of the Hearing.
7. A period of seven days from the date of the Hearing was allowed for the submission of a completed planning obligation and a suitable Unilateral Undertaking was received on 9 September 2020.

Main Issue

8. The main issue is the effect on the character and appearance of the area.

Reasons

9. The appeal site currently comprises relatively low-level commercial buildings within a concrete yard. Further commercial/industrial buildings are located around the turning head at the end of Newport Road and a café/bar is located opposite the site. A modern four storey residential building known as Murray Grey House stands to the north and two further residential schemes of a similar height are currently to be implemented to the west and south, referred to as TCM House and 1200 Uxbridge Road respectively. Newport Road therefore comprises a mix of uses and continues to undergo significant change that will introduce much residential development.
10. The proposed development would see the introduction of a building much larger than those existing on the site and sited much closer to the highway. However, given the amount of change identified in the streetscene, there is significant scope for introducing a larger and more prominent building that reflects the scale and height of other residential blocks in situ or under construction. I do not share the Council's concern that the siting of the building would disrupt the building line of Newport Road since the buildings are already staggered, of various designs and orientated such that there is no strongly defined building line.
11. There is soon to be, pending completion of current construction work, a strong presence of four storey residential blocks in the area, all of various designs. The proposed building would not be dissimilar to its neighbours in terms of its scale, massing and bulk when viewed from the front. Notwithstanding the proposed brick-built balustrades on the top floor, its set back position and the inset balcony rails would break up the mass of the building so that it would not appear oppressive, overbearing or overdeveloped from the front.
12. The visual effect would be rather different on approaching the building from the south however, on entering Newport Road or passing by on Uxbridge Road. From these angles, the full and unbroken four-storey extent of the building would be apparent, 1200 Uxbridge Road providing little screening given its siting and intervening open space. The fourth floor would not be set-back from

the south elevation as it is on other facades and no design features have been incorporated to break up the monotony of the brickwork. A huge expanse of blank wall would therefore greet passers-by, being a prominent view of the building when travelling north. The monolithic elevation would result in an overwhelming and visually intrusive appearance that would significantly and harmfully detract from the character and appearance of the area.

13. Having regard to this effect, the design of the building falls some way short of the high quality demanded by the National Planning Policy Framework (the Framework). The proposal also conflicts with policy 7.6 of the London Plan (2016), policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012); and policies DMHB 11 and DMHB 12 of the DMP, which together require high quality design that is appropriate to its context.
14. I note that TCM House, opposite the site, will incorporate a blank south elevation. However, this will be far less prominent than the appeal scheme given the intervening presence of the adjacent two storey building with its substantial single storey covered seating area which extends forward up to the highway. I have also had regard to the presence of other blank elevations in the local vicinity, but I saw none that were comparable in terms of scale and prominence to the appeal proposal. Even if other examples were nearby, large blank elevations are not a common or positive design feature in the area and would not justify the poor design that is proposed in this appeal.
15. I have considered the potential for securing changes to the south elevation using conditions but the suggestions of brick detailing and/or changes in the proposed materials would not be sufficient to make the visual appearance acceptable. The changes required to achieve an elevation similar to that which the Council has resolved to grant goes well beyond the scope of a condition, requiring the set back of the fourth floor and insertion of windows. These changes would materially alter the scheme.
16. The appellant argued that the fallback scheme is not materially different from the appeal proposal, notwithstanding that both parties went to great lengths to identify the differences. In my view, the differences in the south elevation discussed above are sufficient to result in a materially different scheme. The massing of the fallback scheme is significantly altered by the setback fourth floor. This, coupled with the changes to balustrade materials, brick detailing and windows in the south elevation results in a less harmful impact than the appeal proposal and so the fallback scheme does not justify the harm in this case. Rather, the fallback scheme is preferable.

Other Matters

17. The submitted Unilateral Undertaking provides for construction training, air quality and carbon off-set contributions, a public open space contribution, the provision of two affordable housing units (agreed to be the maximum viable) and highway improvement works. There is no dispute that these obligations are necessary to make the development acceptable.
18. Having had regard to the CIL Compliance Statement provided by the Council, I am satisfied that the planning obligations comply with Regulation 122 of the Community Infrastructure Levy Regulations 2010 and have had regard to them in reaching my decision.

19. The development would deliver a range of benefits, including the provision of private and affordable housing of various sizes in accordance with local need and a proportion of wheelchair accessible properties; would make efficient use of a brownfield site; economic benefits during construction and occupation; highway improvements; and construction training. These benefits attract significant weight in favour of the development. It is also recognised that the scheme would deliver mitigation for many of its impacts through obligations or conditional requirements.

Planning Balance and Conclusion

20. Whilst the proposal accords with many policies of the development plan, it is not unusual for policies to pull in different directions. In this case, the development would unacceptably harm the character and appearance of the area in conflict with policies that require high quality design, such that there is a fundamental conflict with the development plan taken as a whole. The harm identified would not be outweighed by the benefits of the scheme and there are no material considerations that indicate a decision other than in accordance with the development plan.
21. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Sasha White QC	Advocate
Alun Evans	Planning
Kenny Brown	Design

FOR THE LOCAL PLANNING AUTHORITY:

Sasha Blackmore	Advocate
Stephen Volley MSc DIPTP	Planning
Mark Butler BSc MA	Design
Zenab Haji-Ismail Assoc. RTPI	Planning