



Appeal Decision

Site visit made on 14th September 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/R5510/W/20/3252684

43 & 43a Woodstock Gardens, Hayes, England UB4 8BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Pankay Dhir against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75180/APP/2019/3439, dated 17 October 2019, was refused by notice dated 2 December 2020.
 - The development proposed is described as; Proposals seek Permission in Principle for the demolition of a two-storey detached dwelling and associated single storey outbuildings within the grounds of 43 and 43a Woodstock Gardens. Retention of the end of terrace property 43 Woodstock Gardens and erection of 3 terraced properties comprising 2no. two storey, two bedroom four person terraced houses, and 1no. two storey and accommodation in the roof, three bedroom five person central terrace house.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Permission in principle has been sought for the erection of three dwellings at the appeal site. I have determined the appeal on that basis.
3. In January 2020, the Council adopted the London Borough of Hillingdon, Local Plan Part 2, Development Management Policies (DMP). The policies within this document replace the policies within the Hillingdon Local Plan Part Two 2012, including Policy H12 which were referred to in the original reason for refusal. Newly adopted policy DMH6 of the HLP2DMP was referred to in the original decision notice and has been provided as part of this appeal. The appellant has had the opportunity to comment.

Main Issues

4. The main issue is whether the principle of the proposed development is acceptable with specific regard to its location, land use and amount and the resultant effect on the character and appearance of the area.

Reasons

5. The series of short terraces to the north of the appeal site create a strongly defined frontage along Woodstock Gardens, with long narrow gardens to the rear. Immediately to the south and west, the pattern of development changes and is characterised by larger semi-detached properties in wider plots.

6. The appeal site is a corner plot accessed via a narrow gap between nos 43 and 45 Woodstock Gardens. The access currently serves a detached property no. 43a Woodstock Gardens as well as two single storey outbuildings and an area of hardstanding. The remaining sizeable area to the rear and side of no 43a is lawned and fenced and I saw during my site visit that it is utilised as a private garden associated with no 43a. This effectively forms a transition between the terraces to the north and the lower density development to the south and west.
7. The appeal would see the demolition of no 43a and the adjacent outbuildings and the redevelopment of the site. The appeal scheme proposes three dwellings, and the submitted drawings show a terrace running across the width of the site, in roughly the same position as the existing dwelling but also occupying the side garden area.
8. Whilst the proposal would meet the density standards set out in policy 3.4 of the London Plan (2016), a quantitative assessment of the density of development must be considered alongside qualitative considerations including the effect on the character of the area.
9. The proposed dwellings would occupy small plots with no road frontage. Thus, due to its location, configuration, relationship to adjacent properties and the amount of development, the proposal would be cramped and incongruous in the context of established urban form.
10. Whilst the existing dwelling would be demolished, the new buildings would occupy the full width of the site, including the part of the area that is currently fenced and lawned and utilised as a garden associated with no 43a. Consequently, the proposed properties would be constructed on garden land and therefore the development would be contrary to the presumption against the loss of garden land contained within Policy DMH6. Although Policy DMH6 does not preclude development within gardens, the exceptions laid out within parts (i) to (iv) of the policy relate to technical detail that I cannot assess as part of the Stage 1 PiP process.
11. For the reasons set out above I conclude that, by virtue of its location, land use and amount, the appeal proposal would have a harmful effect on the character and appearance of the area. In determining the appeal, I have found the proposal to be contrary to Policies DMH6 of the DMP and BE1 Hillingdon local Plan Part 1- Strategic Policies 2012, which seek to improve and maintain the quality of the built environment including the protection of gardens and the enhancement of local distinctiveness.

Conclusion

12. For the reasons outlined above, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR