



Appeal Decisions

Site visit made on 29 September 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal A: APP/R5510/W/20/3254253 **18 Hillingdon Road, Uxbridge UB10 0AD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs H & F Mazher & Barba against the decision of Council of the London Borough of Hillingdon.
 - The application Ref: 23173/APP/2020/576, dated 19 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is a dropped kerb and driveway, removing some part of the front garden wall.
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Appeal B: APP/R5510/Y/20/3254254 **18 Hillingdon Road, Uxbridge UB10 0AD**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs H & F Mazher & Barba against the decision of Council of the London Borough of Hillingdon.
 - The application Ref: 23173/APP/2020/577, 19 February 2020, was refused by notice dated 16 April 2020.
 - The works proposed is a dropped kerb and driveway, removing some part of the front garden wall.
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Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed and listed building consent is refused for proposed dropped kerb and driveway, removing some part of the front garden wall.

Preliminary Matter

3. As the proposal relates to a listed building, I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are:
 - the effect of the proposal on highway safety, and

- whether the proposal would preserve the Grade II listed building, '16-19 Hillingdon Road' (Ref: 1080181), or any features of special architectural or historic interest that it possesses.

Reasons

Highway safety

5. The appeal property is a mid-terrace dwelling located on the western side of a curving stretch of the A4020 Hillingdon Road. Hillingdon Road is a dual carriageway road on the route between Uxbridge town centre and West London. Two lanes of traffic flow in a north-westerly direction towards the site. The site is close to a junction with The Greenway which has traffic lights, and a vehicular cut-through from the south-east bound carriageway. From what I saw during my site visit, albeit a snapshot in time, this stretch of Hillingdon Road is apparently busy, with a steady flow of traffic past the appeal property, including vehicles accelerating away from the junctions in the vicinity.
6. The proposal would entail access across the pavement to a new parking bay in the front garden of No 18. It would also involve removal of an on-street parking bay from the nearside lane in front of the property. This access would be located near the entrance to off-street parking at adjoining property No 19. There are on-street parking bays for permit holders along Hillingdon Road beyond this to the north-west, on the approach to Park Road East.
7. The removal of the on-street parking bay would provide some improvement in visibility for and of vehicular access to No 19 Hillingdon Road. However, I saw that cars enter and exit off-street parking in the vicinity of the site in reverse gear. It is undisputed that this would occur with the proposal. Within this context, the proposal would increase the volume of reverse manoeuvring on and off this curving stretch of the A4020 in the vicinity of various junctions, from which motorists accelerate away. This increased complexity of manoeuvres would increase the risk of vehicle collision with pedestrians, cyclists, and drivers in the vicinity of the site. Consequently, the proposal would have an unacceptable adverse effect on highway safety.
8. The Crashmap evidence submitted by the appellants indicates a relatively low previous incidence of accidents in the vicinity of the site. However, the absence of such reported incidents does not automatically mean that the area in question is inherently safe from a highway safety perspective.
9. The Council's Transport Planning Team did not object to the proposal on highway grounds. Nevertheless, the second reason for refusal of planning permission expresses concerns about highway safety, which I have found to be valid, for the reasons described above.
10. My attention is drawn to highway safety findings in the planning appeal decision on 65 Hillingdon Road¹ in 2017. However, this other location differs from the current appeal site in the following ways. It is on a different, less curving stretch of Hillingdon Road with different proximity to junctions and on-street parking, and different vehicle movement and visibility contexts. This limits the extent to which the other case is analogous to the proposal before me.

¹ Appeal Ref: APP/R5510/D/15/3140839.

11. In conclusion, the proposal would harm highway safety. As such, it would conflict with Policies DMT2 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (2020) (DMP), which seeks to ensure that development safeguards highway safety. As a result, the proposal would not be in accordance with the development plan.
12. Policy DMT6 of the DMP does not explicitly cover highway safety and so is not engaged in respect of this main issue.

Listed building

13. The listed building is part of a group of Grade II listed dwellings that are located on the western side of Hillingdon Road between The Greenway and Park East Road. This group comprises Nos 11 to 24 (consecutive) and No 25A Hillingdon Road. The majority of buildings in the group are of stock brick construction.
14. The listed building comprises an early nineteenth century terraced row of four two-storey houses with basements. The building has stock brick walls and a slate roof. There are gauged brick flat arches to sash windows with glazing bars. An elliptical carriageway arch is located at the centre of the building. The appeal dwelling sits to the north side of the arch.
15. The building and its host group are characterised by front gardens which face Hillingdon Road. These are bounded to various extents by low garden brick walling. The appellants question whether the entire front boundary wall at No 18 is completely original. However, it contains stock brick, is of traditional appearance and blends in with the historic materiality of the listed building and its host group. Its materials and patina indicate that the front boundary wall at No 18 is historic and thus part of the listed building.
16. The front garden character of some other properties in the group, mainly to the south of No 18, has been eroded by the removal of front walling and the northward creep of off-street parking. Nevertheless, apart from No 19, the stretch of the host group north of the elliptical arch is characterised by front gardens which are free from parked cars and bounded, including to the front, by low garden walls. The group of retained front gardens of this run of properties, including the appeal dwelling, with their soft landscape elements and walled boundaries, contributes a traditional garden character to the residential row. The existing walled front gardens also manifest a pattern of enclosure, and symmetry on either side of the carriage access, which were evidently part of the historic design concept for this part of the neighbourhood.
17. The listed building has evidential, historical and aesthetic value as an example of early nineteenth century residential terrace architecture, that illustrates historic building materials and techniques. Furthermore, its central elliptical arch draws attention to the historic provision for parking of carriages behind the dwellings, and the associated historical characteristic of front gardens free from vehicles. The foreground views down the rectangular front garden contribute positively to the appreciation of the front elevation of the listed building.
18. Given the above, I consider that the special interest of the listed building, insofar as it relates to these appeals, is primarily associated with the historic

- legibility of the building and its host group, and the traditional garden character of its foreground which includes the intact fabric of the garden walling.
19. More than half of the front garden wall would be removed to provide vehicular access. It is proposed that around a third of the appeal dwelling's front garden would be kept for soft landscaping. However, much of the dwelling's front garden space would be given over to surfaced car parking space. Moreover, this is likely to invite future pressure to convert the other third of the front garden to driveway.
 20. The appellants consider that the proposed removal of the on-street parking bay would enhance appreciation of the building. However, closer proximity of a car and associated surfacing, together with the loss of boundary wall fabric, would significantly erode the historic character of the foreground of the listed building. The on-site vehicle parking would add substantial modern clutter which would distract from the historic foreground views down the front garden to the facade of the listed building. Furthermore, the proposal would undermine the historic pattern of front garden enclosure in the vicinity.
 21. The above together would further erode the listed building's historic legibility and distract from its architectural character. It would also result in loss of historic curtilage fabric.
 22. Therefore I find that the proposal would fail to preserve the special interest of the listed building. I give this harm considerable importance and weight in the planning balance of these appeals.
 23. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, and that this should have a clear and convincing justification. Given the limited extent of the proposal and the fabric that would be affected, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
 24. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
 25. The proposal would provide some improvement in visibility for and of vehicular access to the dwelling at No 19 Hillingdon Road. This benefit would carry limited weight within the context of an adverse effect on highway safety arising from increased complexity of manoeuvres at this location on the A4020.
 26. The proposal would provide an off-street parking space at the appeal property. However, the loss of an on-street bay would mean no overall increase in parking capacity in the area. Consequently, the benefit of the off-street parking space would be limited to the private convenience of the occupiers.
 27. Moreover, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence. Accordingly, I find that insufficient public benefits have been identified to outweigh the harm that I have identified to the heritage asset.

28. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also conflict with Policies BE1 and HE1 of the London Borough of Hillingdon Local Plan Part 1 Strategic Policies (2012), Policies DMHB1, DMHB2 and DMHB11 of the DMP and Policy 7.8 of the London Plan (2016)². Together the policies seek to ensure that proposals complement local character and distinctiveness, including through conservation of heritage assets. As a result, the proposal would not be in accordance with the development plan.

Other Matters

29. I note the appellants' reported pre-application discussion. Nevertheless, this does not alter my decision.
30. My attention is drawn to vehicular crossovers and off-street parking at some other addresses on Hillingdon Road. However, most of these properties are not part of the listed building which is the subject of this appeal. Moreover, the full details of the other cases are not before me and the proposal has its own circumstances. As such, I assess this proposal on its own merits.
31. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the heritage asset. Accordingly, I confirm that overall the benefits of the proposal are insufficient to outweigh the totality of harm that I have identified in relation to the main issues.

Conclusion

32. For the reasons given above I conclude that the appeals should be dismissed.

William Cooper

INSPECTOR

² The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.