



Appeal Decision

Site visit made on 12 October 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2020

Appeal Ref: APP/R5510/W/20/3245165
224 Swakeleys Road, Ickenham UB10 8AX

- 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 Mrs Jassal against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 15571/APP/2018/4123, dated 22 November 2018, was refused by notice dated 22 July 2019.
 - The development proposed is described as 'two storey building to provide 5 x 1-bed and 2 x 2-bed self-contained flats with associated parking, cycle store and amenity space'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Since the Council issued its Decision Notice, the Hillingdon Local Plan: Part 2 – Unitary Development Plan Saved Policies (November 2012) and the Council's Supplementary Planning Document HDAS: Residential Layouts have been withdrawn with the adoption of the London Borough of Hillingdon Local Plan Part 2, Development Management Policies, Adopted Version 16 January 2020 (LP2). The Council have updated their position and the appellant has had opportunity to comment in light of this material change in circumstances. I have proceeded to determine the appeal on the basis of the relevant policies of the development plan, including LP2.

Main Issue

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

Reasons

4. Policy DMH 4 of LP2 sets out that the redevelopment of dwellings into new blocks of flats will only be permitted where it would not result in more than 10% of properties within the assessment area being redeveloped. The purpose of this policy is to seek to address the previous experience of large concentrations of flats resulting in a variety of problems, including impacts to the character and appearance of the area. The Council set out that the proposal would breach the 10% threshold. Whilst the appellant does not consider this to be a large number of flatted developments, they do not challenge that the

threshold would be exceeded. As such, I have little evidence to reach a different conclusion and consider that the threshold would be breached.

5. The appellant considers that the threshold represents an arbitrary figure and cites various appeal decisions to support this. However, it is significant to note that these examples relate to a different planning policy context. At the time of these decisions the threshold was contained within supplementary planning guidance. The threshold is now adopted development plan policy and it is therefore beyond the scope of this appeal to determine if the 10% threshold is large or reasonable. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise. The adoption of the threshold within policy is a notable material change in circumstance and so I afford these appeal decisions, as far as they relate to the threshold, limited weight.
6. This section of Swakeleys Road, although a busy highway, has a residential character with a predominance of detached houses set back from the road within their own plots. There is some variation to this including the flatted development at Hetherington Way. Furthermore, between the appeal site and Hetherington Way, Nos 226, 228 and 230 Swakeleys Road have been redeveloped to provide flatted development. Whilst these relatively recent developments, and others on the opposite side further to the north-east, have made some attempt to achieve a more domestic scale through, for example, their height and use of pitched roofs, they are clearly of a far greater mass and bulk than the prevailing character of detached dwellings along this part of Swakeleys Road.
7. The proposal occupies most of the plot width at a two-storey level. The roof form, although not providing any habitable accommodation would appear large. This combined with the depth of development within the plot would result in a built form that, whilst reflective of the recent in-fill developments at Nos 226 and 228 in particular, would continue the erosion of the detached family housing character within this part of Swakeleys Road. It would extend the existing and notable concentration of flatted development at this point in the street scene. It would be set on higher ground than the neighbouring redevelopments and further forward. This would not provide a more satisfactory transition between the flats and the detached family housing. Rather, the cumulative effect of the proposal with the existing flatted development would be a significant change to the street scene.
8. Furthermore, whilst the existing front garden is currently largely laid to hard standing and as such suitable for the intensive parking of vehicles, this is through the choice of the owners. A different family homeowner may opt for a softer landscape context more in keeping with the prevailing character. However, the proposal would necessitate the front garden being utilised intensively for parking. Whilst the indicative details of landscaping show some potential for planting, this would be limited. As such, the extent of the proposed hard standing would contribute to an intensification of the residential use at the site, as evident with neighbouring development.
9. Within the street scene there are few examples of structures located prominently to the front of the dwellings. One clear exception is adjacent to the appeal site at No 226 where buildings flank the site access. Despite being set

back behind high boundary walls they remain visible and contribute to that site's dense appearance. Whilst the proposed bin store would be comparatively modest it would be clearly visible. The store's visual impact could be mitigated to a degree with a scheme of landscaping. Nonetheless, it would add to the mass of the built form and would be symptomatic of a dense flatted development. In combination with the designated parking areas the proposal would result in the substantive and permanent loss of the front garden.

10. Therefore, in conclusion on the main issue the proposal would harm the character and appearance of the area. As such, the proposal would be contrary to Policies DMH 4, DMHB 11 and DMHB 12 of LP2. These policies seek, amongst other aims, to restrict the redevelopment of dwellings into new blocks of flats and ensure high-quality design that harmonises with the local context.

Other matters

11. Paragraphs 59, 68, 117 and 122 of the Framework refer to the objectives of significantly boosting the supply of homes, the importance of small and medium sized sites in housing delivery and ensuring an efficient use of land. Similarly, Policy H2 of the emerging London Plan is a material consideration that also sets out the importance of small sites to housing delivery. The provision of 6 additional units would make a modest contribution to local housing supply and would be a more efficient use of land. However, Policy DMH 4 of LP2 acknowledges the benefit of making a more efficient use of sites whilst setting its restrictive policy context. As such, I afford these matters only moderate weight.
12. When judged against some of the core planning principles the proposal would perform reasonably well. It would be in a suburban area with reasonable access to services and facilities. Furthermore, there would be benefits through, for example, the construction phase and the contribution that future occupants would make to local facilities and services. Additionally, the proposal provides an opportunity for enhanced environmental performance, for example through greater energy efficiency. However, as set out at paragraph 124 of the Framework, good design is also a key aspect of sustainable development.
13. Even if taken cumulatively, I do not find material considerations to outweigh the identified harm and consequent conflict with the development plan.

Conclusion

14. For the reasons given above I conclude that the appeal should be dismissed.

James Taylor

INSPECTOR