
Appeal Decision

Site visit made on 16 November 2020

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 December 2020

Appeal Ref: APP/R5510/W/20/3245594

Land adjacent to 5 Albert Road at the junction with North Hyde Road, Hayes UB3 4HR

- 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 Wellstone Developments Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 42985/APP/2019/2676, dated 7 August 2019, was refused by notice dated 5 December 2019.
 - The development proposed is the construction of five flats, with hard and soft landscaping, and cycle and refuse storage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character and appearance of the area
 - The effects of the proposal on neighbours
 - Whether sufficient amenity space is proposed
 - The effects on car parking.

Reasons

Character and Appearance

3. Since the proposal was refused by the Council, they have adopted the Local Plan Part 2, Development Management Policies (January 2020) (DMP). Policy DMHB 11 of the DMP states that all development should be designed to the highest standards, taking account of, amongst other things, scale, layout, height, mass, adjacent structures, building plot sizes and street patterns, building lines and streetscape; it also states that new development should not adversely affect amenity and light of adjacent properties.
4. The appeal site sits adjacent to the junction of Albert Road with North Hyde Road. Albert Road and this side of North Hyde Road contain modest 2 storey semi-detached houses and there is a single and 2 storey community centre on the opposite side of Albert Road. Within the wider area, there is a variety of

building styles and uses, including a large supermarket, a hotel and various other buildings. However, the appeal site appears within this residential enclave of modest buildings, separated from the other styles of buildings by the busy roads.

5. The proposed part 2 and 3 storey building would be set a short distance from the plot boundary with North Hyde Road. The elevation facing Albert Road would be aligned with the adjacent house on Albert Road but as the curved plot boundary turns the corner, this means that the proposed building would be closer to its boundary here.
6. The existing houses on North Hyde Road are set on a building line which draws back from the road as they approach the appeal site, such that the nearest house has its front elevation virtually aligned with the rear of the plot boundary (with No 5 Albert Road). This means that the open appeal site is prominent in itself and any new building on it would be highly visible. This would be particularly so when approaching the site from the north-west on North Hyde Road. At present the view here is of the front elevation of the houses and when the side elevation of No 5 Albert Road comes into view, it almost aligns with the front elevation of No 24 North Hyde Road and appears as a logical continuation of the line of the buildings as they draw back from the junction.
7. In contrast, the proposal would follow the alignment of the pavement. Its 2 storey end elevation, rising to 3 storeys, would be very prominent in various views here but particularly so from North Hyde Road, as described above. It would sit awkwardly and uncomfortably forward of No 24 North Hyde Road and would appear unduly prominent in the setting that I have described; it would unacceptably disrupt the existing layout and pattern of buildings that currently exists. Therefore, the proposal conflicts with Policy DMHB 11.

Effects on Neighbours

8. The Council specifically allege an unacceptable effect on the occupiers of No 5 Albert Road, in relation to a loss of light and also due to a loss of outlook and a dominating effect.
9. The proposal would be sited 4.4m from the boundary with No 5 in the rear part of the proposal. It would be closer where it would be opposite the flank wall of the existing neighbouring house. There is some discussion and detailed evidence submitted in relation to the effects of the proposal on sunlight and daylight and I have had particular regard to this. It seems to me that while there will be an effect on the amount of daylight and sunlight received within the house at No 5 Albert Road, these effects are small, would in some cases affect bathroom/WCs or other non-habitable rooms, and also affect windows to rooms which are lit predominantly by another window. Having assessed the detailed submissions, I conclude on this individual point, that the proposal would have no unacceptable effects in relation to sunlight or daylight at No 5 Albert Road.
10. The proposal would extend some considerable distance beyond the rear elevation of No 5 Albert Road and although it would be set a small distance off the boundary, it would be readily visible from within the house and from its rear garden area. In my judgement, the combination of the height of the proposal, its depth beyond the rear of the adjacent house at No 5 Albert Road and the short distance from the common boundary would mean that the

proposal would appear significantly overbearing when seen from No 5 and would have a considerable negative effect on the outlook from that neighbouring property, both from within the rear-facing rooms and particularly from the garden area. Therefore, this aspect of the proposal raises further conflict with Policy DMHB 11.

Amenity Space

11. The proposal includes the provision of 2 private gardens, 2 balconies and a roof terrace for use as amenity spaces for future residents. The supporting text to Policy DMHB 18 of the DMP states that private outdoor amenity space will be required to be well located, well designed and usable for the private enjoyment of the occupiers. The Policy requires that the minimum amount of space for 1 bedroom flats is 20 sqm and for 2 bedroom flats is 25 sqm. The proposal includes 2 flats which would only have access to small balconies which would be located at the prominent front corner of the proposal, close to the road.
12. With specific regard to the flats with the balconies, I consider that the normal domestic needs for amenity space could not be satisfied by the provision of these small balconies, situated on the prominent frontage of the building, facing over/towards the busy road. Therefore, the proposal is contrary to Policy DMHB 18.

Car Parking

13. The Council's car parking standards, which are included within the recently adopted DMP indicate that between 1 and 1.5 car parking spaces should be provided per flat, as well as visitor spaces. The proposal contains no parking and is located within an area that is controlled by parking restrictions and a CPZ.
14. The appeal site is located within a short distance of a number of facilities which provide goods, services and employment, as well as public transport facilities. The appellant has stated that they do not consider that parking provision is required by the proposal and none is included. The appellants go on to state that a 'car-free' development is proposed wherein a suitable S106 Obligation would provide the necessary control over parking and associated matters.
15. I agree with the appellant, that the appeal site has a number of advantages in terms of its access to facilities and public transport. As the Council points out, however, the location of the appeal site towards the edge of Outer London means that residents may travel outside London for work and may not be so well catered for by public transport. With this in mind, and acknowledging the appellants' indication that an Obligation would be necessary to impose a suitable control, I consider that a car-free development could be acceptable here, but this would be reliant on the necessary control. Without that necessary control, the proposal would be likely to give rise to additional car parking demand which could not be acceptably accommodated on the surrounding streets.
16. Despite the contents of the appellants' statement and supporting documents, I have not been provided with an Obligation which would provide the

acknowledged necessary control. In its absence, the proposal is contrary to Policy DMT 6 of the DMP.

Conclusions

17. The appellants refer to the emerging New London Plan which they anticipated would be adopted by now; however, it is not. I have had close regard to the statements in relation to relevant policies and in the current situation, I consider that more weight must be attributed to the recently adopted DMP. Whilst the contents of the emerging New London Plan are relevant and material and encouraging development in certain locations such as this, I also note that a number of its policies make reference to developments making a positive contribution to its locality and I have sought to balance these matters in my determination of the appeal.
18. For the reasons set out above, I consider that the proposal gives rise to conflicts with the contents of the DMP. Although it would bring with it some benefits in the form of providing new homes in an accessible location, I consider that these are far outweighed by its negative aspects. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR