The Planning Inspectorate

Appeal Decision

Site visit made on 13 October 2020

by A Denby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/R5510/W/19/3243953
190 Joel Street, Northwood, HA5 2PF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr R Patel against the Council of the London Borough of Hillingdon.
- The application Ref 16589/APP/2019/3395, is dated 11 October 2019.
- The development proposed is demolition of existing building and erection of a three-storey building and basement house 1 replacement and 7 new dwellings with associated bins, cycle and alterations to existing drop kerbs.

Decision

1. The appeal is dismissed, and planning permission is refused.

Application for Costs

2. An application for costs was made by Mr R Patel against the London Borough of Hillingdon. This application is the subject of a separate decision.

Procedural Matters

3. The London Borough of Hillingdon Local Plan Part Two: Development Management Policies, 2020 (DMP) has recently been adopted, replacing the Hillingdon Local Plan: Part Two – Saved UDP Policies, 2012 and the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Layout, 2006. The Council referred to the adopted policies from the DMP in their statement and, as such, the appellant has had opportunity to comment on them. I have referred to the adopted development plan at the time my decision has been made.

4. The appellant submitted a Flood Risk Assessment (FRA) with the appeal. The Council and interested parties have had opportunity to comment on it. I have taken it into account in my decision.

Main Issues

5. The Council's evidence explains that, should they have determined the planning application, they would have refused planning permission on the following matters which, accordingly, are the main issues in the appeal. These are a) whether the proposed development would be at an unacceptable risk of flooding; b) the effect of the proposed development on highway safety with particular regard to parking provision; and c) the effect of the proposed

development on the living conditions of future occupiers, with particular regard to the provision of accessible dwellings.

Reasons

Flood Risk

6. According to the Framework, and through the application of the Sequential Test (ST), development should be directed towards areas at the lowest risk of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.

7. The site is located within Flood Zone 1 in terms of fluvial risk and Paragraph 033 of Planning Practice Guidance (PPG) states, amongst other things, that it should not normally be necessary to apply the ST to development proposals in Flood Zone 1, unless the Strategic Flood Risk Assessment (SFRA) for the area, or other more recent information, indicates there may be flooding issues now or in the future. The West London SFRA indicates that the appeal site is susceptible to flooding from surface and groundwater, identifying part of it as falling within Flood Zone 3a for this purpose. As per Paragraph 158 of the Framework this provides the basis for applying the ST.

8. Although stating that the ST must be applied, the FRA submitted does not provide any substantive evidence to demonstrate that it has been passed. It does acknowledge that the site is at high risk of pluvial flooding though it suggests that the development would be located in the part of the site at least risk of flooding and mitigation measures could be required by condition.

9. However, and as acknowledged by the appellant, the flood maps provide an indication of the flood zones but are not sufficiently clear or precise. There is little site-specific detail provided within the FRA to demonstrate that the proposal would be located wholly within Flood Zone 1 and thus sequentially preferable.

10. I note that the appeal scheme would include the provision of basement accommodation which Table 2 of PPG defines as 'highly vulnerable' development. Table 3 of PPG is clear that this should not be permitted in Flood Zone 3a.

11. The FRA states that the site is on a slope and as such, the development does not include basement development as the rear would not be below ground level. However, the side elevation provided within the FRA does not show the full extent of the proposed development. The cross sections submitted clearly identify a basement floor level, showing the development would be below ground level. It is also clear that the existing ground levels, immediately to the rear of the proposed development, would be lowered, with the ground level of the remaining garden area being retained at a higher level.

12. The FRA does not provide a sufficiently detailed assessment of the likely impacts these proposed works may have on the risk of flooding to the development or any potential offsite impacts. This matter could not, therefore, be dealt with by condition.

13. With the above in mind, it has not been demonstrated that the ST has been passed and it remains ambiguous, on the basis of what I have seen, that the

proposed development could be contained wholly within Flood Zone 1 or that it would be safe for its lifetime, taking into account the vulnerability of its users, and it would not increase flood risk elsewhere. Whilst I am not taken to the Exception Test (ET) of the Framework since it has not been demonstrated that the ST has been passed, the ET also requires a development to provide wider sustainability benefits to the community that outweigh the flood risk. No such benefits have been advanced with the appeal.

14. Concluding on this main issue, and for the above reasons, the appeal scheme would be at an unacceptable risk of flooding. This would be contrary to the Framework, supported by the PPG, LP Pt1 Policy EM6, DMP Policies DMEI9 and DMHD3 and London Plan Policy 5.12 which, amongst other things, seek to direct new development to areas of lower flood risk and ensure that proposals make appropriate provision for flood risk mitigation.

Highway Safety

15. The proposal includes the provision of 4 off-street parking spaces to the site frontage. The Council have stated that the development would require 12. However, for 1-2 bedroom flats the parking standards, as set out in Appendix C of the DMP, require a 1-1.5 spaces per unit and 1 space per 2 studio units. On that basis the proposed development would generate a requirement for a minimum of 7 spaces and maximum of 10 spaces.

16. Joel Street is a classified road and I saw on my site visit that there is a regular flow of traffic in both directions. There were cars parked on-street to both sides of the road though none were parked inappropriately, and it did not appear to be having any adverse impact on the free flow of traffic. Furthermore, there was still a significant level of spare capacity for on-street parking, particularly to the side of the road where the appeal site is located.

17. I appreciate that my site visit provides just a snapshot of the traffic and parking situation in the area though it does appear to reflect the details within the submitted parking survey. There are bus stops in very close proximity to the appeal site and a regular, frequent service which provides connections to the wider area and underground rail network. There are also local services and facilities, including underground rail stations, within reasonable walking and cycling distance of the site which would actively encourage occupiers to reduce their reliance on car use.

18. On the basis of the above, although the development would not achieve the minimum level of off-street parking provision, the proposal would unlikely lead to a harmful impact to on-street parking provision or congestion and subsequently a harmful impact on the safe use of the highway/impedance to the free flow of traffic. As such there would be no conflict with DMP Policy DMT6 and London Plan Policies 6.3 and 6.13 which, amongst other things, seek to ensure that developments achieve an adequate level of parking provision, and where this is not possible, any increased demand for on street parking would not result in any harmful effects to highway safety.

Living Conditions

19. LP Policy 3.8 seeks to ensure that a choice of homes are provided that can meet the differing requirements of future occupants. In particular, it requires

90% of new housing to meet Building Regulation requirement M4(2) '*accessible and adaptable dwellings'*.

20. The proposal shows that there would be a stepped access to the flats from the site frontage and the Council have stated that this would not currently accord with the above standard. There are no details to indicate that step free access could be achieved without impacting on the parking or landscaping provision to the site frontage. Therefore, on the basis of the details before me I could not be certain that this could be adequately dealt with by a condition and the proposals would accordingly be contrary to London Plan Policy 3.8(c).

21. I have not pursued a solution to this with the appellant. In the event I did, and one were found it would in itself amount to a lack of harm which would be incapable of weighing against the harm I have found that would arise out of the first main issue. The outcome of the appeal would not therefore change.

Other Matters

22. The appellant has drawn my attention to a previous Inspector's decision for development on the appeal site. Although this also proposed residential accommodation, from the limited details provided this did not appear to include basement accommodation. The schemes are therefore not directly comparable, and this other decision does not, therefore, lead me to a different conclusion on the appeal before me.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed, and planning permission refused.

A Denby

INSPECTOR