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## Appeal Decision

Site Visit made on 23 February 2021

**by R J Jackson BA MPhil DMS MRTPI MCMI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 March 2021**

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**Appeal Ref: APP/R5510/W/20/3247118**

**Land to the rear of 511 Uxbridge Road, Hayes UB4 8HN**

- 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 & Mrs Rai against London Borough of Hillingdon.
  - The application Ref 15988/APP/2019/2831, is dated 23 August 2019.
  - The development proposed is proposed four-bedroom detached dwelling with parking spaces, bin & cycle stores, following removal of existing garage & outbuildings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Following the lodging of the appeal the Council indicated that had it been in a position to do so it would have refused the application. The minutes of the Council Committee are not clear as to whether this related to both the effect on the character and appearance of the area and highway safety or just highway safety. However, as the appellant has addressed both issues there would be no injustice if I were to consider both, particularly as issues relating to character and appearance were also raised by local residents.
3. The Mayor of London published the London Plan 2021 on 2 March 2021. In light of this change in the development plan I asked the parties for their comments. I have taken the responses received into account in making this decision.

### Main Issues

4. The main issues are the effect on:
  - the character and appearance of the area, including on the setting of the Hayes Village Conservation Area (the Conservation Area); and
  - highway safety.

### Reasons

#### *Character and appearance*

5. The appeal site forms the rear portion of the garden of 511 Uxbridge Road, along with a single garage in a garage block to the south of the garden and the garage court in front of that. Access to the garage court is to Elmlea Drive. There are two outbuildings in the southeastern part of the appeal site. No 511 is the most easterly of a row of properties facing Uxbridge Road, which all

- have, long, effectively flat, rear gardens. There are some trees in the rear gardens.
6. The appeal site lies outside but adjacent to the Conservation Area which is to the east. On the nearest part of the Conservation Area is George Court, a modern part-two, part-three and part-four storey flatted development set around a court. Beyond that lies the main, more open, area of the Conservation Area.
  7. The Council has published a Conservation Area Appraisal. This identifies the essential features and significance of the Conservation Area from the built evidence of the mediaeval village at Hayes, interconnected open and wooded green spaces, and a richly varied townscape.
  8. The appeal proposal is to demolish the single garage, leaving a gap between remaining garages, and the construction of a detached dwelling on the rear garden area. Pedestrian and vehicular access would be through this gap leading to parking and turning for the dwelling. The dwelling would be located approximately in line with the nearest building in George Court, although would be less deep. The proposal would have two-storeys, the rear elevation would have a long 'cat-slide' roof to the ground floor and the rooms in the first floor northern elevation would be lit with rooflights.
  9. In 2017 an appeal for the redevelopment of the appeal site and that of No 511 for two three storey blocks comprising a total of 10 flats was dismissed (APP/R5510/W/16/3149102). The Inspector found the southern of the two blocks would not abut any existing streets, and would not thereby align with a road, unlike the existing buildings on the site and surrounding sites, which are arranged in a perimeter formation alongside roads. The Inspector also found that the scale and bulk of the flat block proposed in this location would draw attention and appear obtrusive into a vegetated area that helps to mitigate against the visual impact of the garages and would change the character of the rear gardens. The Inspector also found that the loss of trees then proposed would add to this harm.
  10. The appeal proposal would not involve the loss of these trees and therefore would not result in loss of any verdant qualities. I have not been provided with the details of the earlier appeal, but as a two storey dwelling this proposal would be less intrusive than the then proposed three storey flats. However, it would still not abut any highway and thus would appear out of keeping with the generally prevailing pattern of frontage development in the area. As it would appear behind the remaining garages it would also appear incongruous. The adjoining block at George Court clearly relates to that overall development with a different relationship to the public environment.
  11. As the proposal would be harmful to the character and appearance of the area it would also be harmful to the setting of the Conservation Area and fail to preserve its character or appearance. Within the terms of the National Planning Policy Framework (the Framework) this would represent less than substantial harm. That being the case, in line with paragraph 196 of the Framework, this should be weighed against the public benefits. Given that the harm is to the setting of the Conservation Area I conclude that the public benefits of a new dwelling would balance this heritage harm. The benefits would not, however, outweigh the harm to the character and appearance of the wider area from the incongruity of the location.

12. Consequently, the proposal would be harmful to the character and appearance of the area. As such it would be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) and Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), which require development to be designed to make a positive contribution to the local area and harmonise with local context. It would also be contrary to paragraph 127 of the Framework which indicates planning decisions should ensure developments are sympathetic to local character.

#### *Highway safety*

13. Access to the proposed dwelling would be via the created gap between the existing garages. Currently the garage court provides access to 12 garages and to the rear of another property on Elmlea Drive.
14. The Council's concern relates to potential conflicts between those utilising the garage court and the access and potential conflicts between those utilising the access itself.
15. Any increase in vehicular traffic into the garage court would be limited, since while there would be an increase from traffic to the single proposed dwelling this would be off-set by reduction in traffic from the use of the garage which would be demolished.
16. The small, enclosed area of the garage court would mean that anyone driving through this area would be likely to be moving at very low speeds, and it can reasonably be assumed that any driver would be paying due care and attention. I have not been provided with any accident records to show that this area has a particular history of incidents. Although the Council suggests that access would involve more than one manoeuvre and would be "difficult" it has not demonstrated that access could not be achieved. I therefore conclude that this proposal would not result in any higher level of risk to public safety than the current situation. This would apply to all highway users, including pedestrians, cyclists, or those using wheelchairs or mobility scooters.
17. The Council is also concerned about potential conflicts between those accessing and egressing the site at the same time, leading to potential reversing or, for non-vehicular traffic, turning round and going back, particularly as there would not be room for pedestrians, cyclists, or those using wheelchairs or mobility scooters to pass a vehicle. There would appear to be sufficient room for a vehicle to turn adjacent to the proposed dwelling so any vehicle exiting the site would be able to do so in a forward gear. Given the low level of traffic associated with a single dwelling and the short distance involved, I consider that any occupiers would consider any necessary waiting or reversing be to part of the constraints of living on this site. I also consider that it would not increase the risks or inconvenience to other users of the garage court since any additional waiting would be likely to be marginal at worst.
18. The Council has also expressed concern that construction traffic would also be harmful to public safety. However, I am satisfied that subject to an appropriate condition requiring the approval and implementation of a Construction Management Plan that this could be avoided.
19. I am therefore satisfied that the proposal would not give rise to harm to highway safety. As such the proposal would comply with Policies DMT 1, DMT 2

and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) which require development to have a safe and convenient access for all people and provide sufficient parking. It would also comply with paragraphs 108 and 109 of the Framework which indicate that development should have a safe and suitable access for all users and that development should only be refused if there would be an unacceptable impact on highway safety.

### **Conclusion**

20. Although the proposal would be acceptable in terms of highway safety, it would be harmful to the character and appearance of the area. For the reasons given above I conclude that the appeal would be contrary to the development plan taken as a whole. As there are insufficient material considerations to indicate a decision contrary to the development plan, the appeal should be dismissed.

*RJ Jackson*

INSPECTOR