



Appeal Decision

Site Visit made on 3 March 2021

by S J Lee BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2021

Appeal Ref: APP/R5510/W/20/3262233

389 Harlington Road, Uxbridge UB8 3JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ms Sally Kitchen of Phensom Homes Ltd against the decision of London Borough of Hillingdon.
 - The application Ref 55857/APP/2020/1761, dated 10 June 2020, was refused by notice dated 30 July 2020.
 - The development proposed is demolition of existing bungalow and erection of a part single, part two storey dwelling comprising 5 flats (5x2 bed units), parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for future consideration. On this basis, I have considered all plans as indicative only.
3. Since the decision was made, the London Plan 2021 has been published. I am required to consider the appeal based on the most up-to-date policies. I asked the main parties for any comments they had on the implications of the new Plan for this appeal and have had regard to those received in my decision.

Main Issues

4. The main issues in this appeal are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupants, with particular regard to private amenity space; and
 - the living conditions of neighbouring occupants, with particular regard to noise and disturbance.

Reasons

Character and appearance

5. The appeal relates to a detached dormer bungalow located on a corner plot. The site was the subject of a dismissed appeal¹ for a larger form of development. Layout and appearance are reserved matters. However, considering the constraints of the site, it would be reasonable to assume that

¹ Appeal reference: APP/R5510/W/18/3207519

the indicative plans provide a good indication of the size, mass and layout of development necessary to accommodate the desired number of units in the manner described.

6. A two-storey building would complement that of nearby housing. However, to accommodate the number of flats proposed, the scale and built form would differ significantly from the modest semi-detached houses and bungalows which prevail in the immediate area. This is borne out by the indicative plans which suggest an irregularly shaped building with a large footprint. This would appear as a large and bulky building, with uncharacteristic floor to eaves heights and a squat crown roof. Although this design not before me, I concur with the Council that it would appear as an incongruous addition to the street scene. In particular, the crown roof would be an unsympathetic feature amongst the preponderance of hipped and pitched roofs. This is an indicator of the likely difficulties in achieving an appropriate form of development on a relatively small and constrained site.
7. It is likely that any proposal for five flats would lead to the significant intensification of the use of the site. The indicative plans suggest a building which takes up a significant proportion of the site. The intensification of the use would also be signified through the amount of the site given over to parking and hardstanding. Although the site currently includes a relatively large area of hardstanding, it serves a single dwelling. The change to accommodate parking for flats, along with a likely increase in the comings and goings would be a clear indicator of a change in the function and use of the site. This would be out-of-keeping with the nature of housing in the immediate area.
8. As considered below, achieving a satisfactory form of private outdoor amenity space may also be challenging. The use of balconies, and/or the subdivision of outdoor space, would raise further issues regarding character and appearance and more doubts as to whether a suitable form of development could be achieved. For example, further subdivision would emphasise and exacerbate concerns about the intensity of the use and balconies may serve only to exacerbate the incongruous nature of the development.
9. Considering all these factors, I find it likely that any development of the scale proposed would represent an overdevelopment of the plot. The appellant has suggested that the densities proposed are similar to those envisaged for this type of development in the Hillingdon Local Plan Part 2 – Development Management Policies (HLP2) (2020). I have also noted reference to the new London Plan’s objectives of making the most of land and optimising site capacities. However, there is nothing in either plan which suggests increased densities should be achieved with no regard to the existing character of the area or constraints of any site. In this case, the increase in density would appear excessive, out of character and detrimental to the existing street scene.
10. Although the existing bungalow differs in scale, orientation, and appearance to other nearby dwellings, it remains consistent with the open suburban character of the area described by the previous Inspector. It is well proportioned within its plot and results in no harm to local character. Conversely, the likely significant increase in built form and the nature of development proposed would diminish the residential character that already exists. If retained, the existing hedge on Harlington Road would provide a degree of screening. However, a large building would still be a discernible feature in what is a

prominent corner location. The additional planting on the grass verge or around the site would not provide sufficient mitigation for the introduction of a discordant form of development.

11. The appellant has drawn my attention to other developments in the wider area which they consider justifies the intensified use of the site. I do not have the full details of the circumstances in which these were approved and thus cannot confirm they are directly comparable to the proposal before me. Moreover, they are all some distance from the appeal site and reside in different design contexts.
12. For example, the former Ram pub located at the end of what is effectively a three-storey terrace with shops on the ground floor and flats above. Some of the other nearby dwellings are also different in scale and appearance to those near to the appeal site. The site referred to as 'Five Ways' is located on a busy junction and has a generally more open feel than the area around the appeal site. This is largely owing to the width of the road and the distance of dwellings on the opposite side of West Drayton Road.
13. The scheme at 189 Harlington Road is situated on a larger site fronting the road. It is well separated from other housing on either side and sits largely in its own context. The nature of the street scene also differs considerably, with the building being set back from a four-lane highway. The example given at 1380 Uxbridge Road is located at the end of a short row of flat roofed commercial buildings, beyond which is an area of open space. Although housing in the area is mainly two-storey, the development has a close visual relationship with its flat roofed neighbours and is reasonably well separated from other pockets of housing by roads.
14. These examples all differ significantly to the context of the appeal proposal and thus add very little weight in its favour. Furthermore, they are spread over a considerable distance and demonstrate that the infilling or intensification of plots is not necessarily a common feature.
15. I acknowledge that layout and appearance are reserved matters. However, in granting outline permission there must be a reasonable level of certainty that the scale and nature of the development proposed can realistically be achieved. The indicative plans do not provide the degree of comfort needed. In my view, these illustrate a contrived attempt to squeeze an unduly large, unsympathetic and intrusive form of development into a constrained plot with little regard to the prevailing character of the area. Given the size of the site and number of residential units sought, I am concerned that any similar form of development would result in similar issues. Certainly, there is nothing before me which provides sufficient comfort that a different design or layout would result in an acceptable form of development.
16. I therefore conclude that the development would have an unacceptable impact on the character and appearance of the area. Accordingly, there would be conflict with London Plan policies D3 and D4, Hillingdon Local Plan: Part One – Strategic Policies (HLP1) (2012) Policy BE1 and HLP2 policies DHMB11 and DHMB12. Amongst other things, these seek to ensure that development is the most appropriate form that responds to a site's context and capacity for growth and is of a high quality of design which harmonises with the local context.

Living conditions – neighbours

17. The indicative plans suggest that five parking spaces could be accommodated to the rear of the building, abutting the common boundary with No 78. The plans for the previous proposal suggested two spaces directly adjacent to the boundary. There are therefore material differences between what is before me and what the previous Inspector was asked to consider.
18. The bungalow will have the potential to cause some noise from the use of the existing access and manoeuvring within the site. However, the increase in units would lead to a commensurate increase in comings and goings and noise associated with the opening and closing of car doors, the starting and revving of engines and vehicles manoeuvring in and out of the spaces. This would create a degree of noise and disturbance unlikely to be currently experienced by residents of No 78. Furthermore, it would emanate from a location to the rear of the house where such levels of noise would not normally be expected to be heard. Even with the suggested mitigation in place, this would be likely to have a detrimental impact on the enjoyment of the dwelling and garden space.
19. It may be theoretically possible to locate the parking elsewhere in the site or in a different configuration. However, the indicative plans illustrate the difficulty of accommodating a building of the size needed, while still providing sufficient parking, amenity space and addressing the concerns of the previous Inspector in terms of potential effects on the hedge, landscaping and height of the building. The location of the access may also limit options for where parking can realistically be sited. The evidence therefore provides me with little confidence that a viable solution could be found that would both address these constraints and not have an unneighbourly relationship with No 78.
20. In lieu of any substantive evidence to the contrary, I am therefore concerned that a development of the scale and type envisaged would result in an unacceptable impact on the living conditions of neighbouring residents. This would conflict with HLP2 Policy DHMB11 which seeks, amongst other things, to ensure development does not impact on the amenity of neighbouring properties.

Living conditions – future occupants

21. The supporting text to HLP2 Policy DMHB18 suggests that ground floor flats and houses should have private gardens and those on upper floors should have private balconies or terraces. It states that the use of communal private open space will generally not be supported unless there are strong planning reasons and the proposed scheme is of high quality with clear planning merits.
22. The indicative plans suggest there would be an area of communal outdoor amenity space provided for the five flats. While the appellant suggests the space would be of an acceptable overall size and amenity, there seems to be no overriding reason for the use of communal space other than the constraints of the site. The appellant has also suggested that flats in the wider area are generally served by communal space, but no evidence has been submitted which substantiates this. In any event, these may have been approved in a different policy context. As such, this assertion provides little weight in favour of this approach.

23. Even if what is shown were to be subdivided, it would not provide convenient space for occupants of some of the flats, as it would be located to one side of the building with no direct access. The spaces shown in the gap between the building and boundary would not be particularly attractive, or sufficiently large, spaces for sitting out or such things as drying clothes. Occupants of the upper floors would have no direct access to private outdoor space of any kind. On this basis, the indicative plans do not illustrate a scheme that would meet the policy requirements.
24. I acknowledge that there may be ways other ways of providing or configuring private amenity space to that shown on the plans. Nevertheless, as discussed above, the constraints of the site are such that I have little confidence this could be achieved while still ensuring a satisfactory form of development in other regards. This also speaks to the overly intensive use of the site. Accordingly, I am not persuaded that a satisfactory form of development in terms of private amenity space can be achieved. Failure to provide this would harm the living conditions of future occupants in conflict with HLP2 Policy DHMB18. This seeks to ensure development provides good quality, useable private outdoor amenity space.
25. The Council's reason for refusal identifies conflict with HLP2 Policy DHMB14. This relates to the protection of trees and provision of landscaping schemes. Noting the concerns of the previous Inspector, there is no evidence to suggest that development would necessarily harm the trees or hedgerow bounding the site. I therefore see no particular conflict with this policy. However, this does not alter my conclusions on other matters.

Other Matters

26. Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
27. The development would provide a net increase in housing on the site, which would provide some moderate social and economic benefits. It would also make more efficient use of a small site, which the London Plan identifies as being important for meeting overall housing needs. However, considering the overall scale of development these benefits do not outweigh my concerns or justify a proposal that conflicts with the development plan when taken as a whole.
28. There is also nothing to suggest that a more efficient use of the site could not be achieved without the same degree of harm. In coming to this conclusion, I have had regard to the reduction in scale since the initial appeal. However, this does not alter my view that a development of this scale and type proposed would be harmful.
29. The appellant has referred to the changes proposed to the planning system through the 'Planning for the Future White Paper'. However, that document was for consultation purposes only and thus adds no weight in favour of the proposal. In any event, as with the London Plan, there is nothing in the White Paper which suggests development which fails to take account of the character of the local area should be considered acceptable in principle. Similarly, the appellant's references to permitted development rights, which do not apply in this case, and conjecture as to the Government's intentions do not persuade

me that a proposal of this nature should be considered appropriate in this location.

30. The appellant has raised concerns about pre-application advice received. However, such advice is usually given without prejudice. Any planning decision is open to change until the decision notice is issued and the Council is entitled to take comments from interested parties into account. It also appears that the appellant chose not to accept to this advice in terms of the scale of development. Similarly, other generalised assertions about the Council's approach to decision making and how they have considered this application have had no bearing on my decision. I have no concerns in the way the Council assessed the proposal. In any event, I have considered the appeal on its own merits, based on the evidence before me and my own observations of the area.
31. Having regard to the foregoing, there are no material considerations that would lead me to a conclusion other than in accordance with the development plan in this case.

Conclusion

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

S J Lee

INSPECTOR