



Appeal Decision

Site Visit made on 18 May 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2021

Appeal Ref: APP/R5510/W/20/3266175

156 York Avenue, Hayes UB3 2TR

- 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 Mr John Mongan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 68002/APP/2020/3011, dated 22 September 2020, was refused by notice dated 24 November 2020.
 - The development proposed is "2 storey side & rear extensions to facilitate accommodation of new dwelling".
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Decision

1. The appeal is allowed and planning permission is granted for the proposed 2 storey side & rear extensions to facilitate accommodation of new dwelling at 156 York Avenue, Hayes UB3 2TR in accordance with the terms of the application, Ref 68002/APP/2020/3011, dated 22 September 2020, subject to the attached Schedule of Conditions.

Main Issues

2. The main issues are the effect of the proposed development on:(i) the character and appearance of the area; and (ii) highway and pedestrian safety, with specific regard to parking arrangements.

Reasons

Character and Appearance

3. The appeal site is one half of a pair of two storey semi-detached houses on a large corner plot in an area mainly characterised by semi-detached houses of similar sizes. A pair of semi-detached houses of similar style to the appeal site on the opposite corner of York Avenue have been extended substantially, as have other properties in the locality.
4. As a large plot containing a modestly sized semi-detached house, the appeal site has a relatively wide gap between the side elevation of the existing dwelling and the highway. The Council have referred to this space as an important undeveloped gap, characteristic to the area and what they describe as an open spacious junction; however, these characteristics of the area are largely defined by the open grassed corners of junctions, rather than the concreted and enclosed space within the rear/side yard of the appeal property. The proposed development would reduce the distance between the highway and the side elevation of the appeal building, but a separation gap would remain similar to neighbouring properties bordering Judge Heath Lane, and the appeal site would not appear cramped compared to neighbouring properties.

5. The proposed new dwelling would change the existing pair of semi-detached houses into a short a terrace. Although this would be an anomaly in the street scene, the effect on the symmetry of the semi-detached pair would not undermine any special character of the area or be out of scale with the site's surroundings. The extent of its side elevation would not appear out of place as it would be comparable in depth to other extensions in the area and remain set back and angled away from the highway. The front elevation of the proposal would be set back at first floor and roof level from the existing pair of semi-detached houses and have a lower ridge height, allowing the proposed building to step down towards Judge Heath Lane. This would avoid it appearing too dominant in the street scene. The proposed development would not therefore harm the character or appearance of the area.
6. The proposal would therefore accord with Policy BE1 of the Council's Local Plan: Part 1¹ and Policies DMHB 11 and DMHB 12 of the Council's Local Plan: Part 2². These require, amongst other things, all new development to improve and maintain the quality of the built environment, making a positive contribution to local areas, which should not erode the character of suburban areas, and should incorporate principles of good design and integrate well with the surrounding area.
7. The Council's first reason for refusal refers to Policy DMHB 1 of the Hillingdon Local Plan: Part 2, but the Policy and accompanying text relate to householder development. As the proposal concerns the erection of a new dwelling, albeit attached to an existing dwelling, the Policy is not directly relevant in this case.
8. The Council have referred to Policies D4, D5 and D6 of the London Plan³ as replacements for Policies 3.5 and 7.4 of the 2016 edition, which were initially referred to in the first reason for refusal in the Council's decision notice, and which no longer form part of the development plan. I have read Policies D4, D5 and D6 and do not find them to be particularly relevant to the effect of this specific proposal on the character and appearance of the area, as described in the Council's first reason for refusal.
9. Although I have found some Policies referred to within the Council's first reason of refusal to lack relevance to the proposed development in this specific case, I have been able to fully assess the proposal against the other Policies mentioned to reach a conclusion on this first main issue.

Highway and Pedestrian Safety

10. The appeal site is currently served by a vehicle crossover leading to the rear yard off Judge Heath Lane, adjacent to a bus stop. The rear yard does not appear to be used for off-street parking at present, but the proposed plans show three off-street spaces alongside the existing crossover. The appellant's submissions suggest the proposed off-street parking would result in the replacement of the existing crossover, further away from the bus stop.
11. In their Statement of Case, the Council confirmed they now rely on the parking standards set out in Policy T6.1 of the London Plan (rather than Policy DMT 6 of their Local Plan: Part 2) which would require a maximum of two off-street parking spaces to be provided as part of the proposed development. I am

¹ Hillingdon Local Plan: Part One – Strategic Policies (2012)

² Hillingdon Local Plan: Part Two – Development Management Policies (2020)

³ The Mayor of London's London Plan (2021)

satisfied that full details showing the removal of the existing crossover and a reduction from three off-street parking spaces to two could be secured by condition.

12. I noted during my site visit that a number of residential properties have crossovers of a range of sizes accessing Judge Heath Lane, many of which coincide with bus stops, but these did not appear to be particularly dangerous and I have not been provided with any evidence of this creating danger on this road. In addition to the bus stops along Judge Heath Lane, there is a pedestrian crossing and wide 'school keep clear' markings next to the appeal site. Users of this part of the highway would therefore be aware of the potential for vehicles accessing/exiting residential driveways and the need to take appropriate care, especially during school hours.
13. Part of the Council's objection to the proposed parking arrangement is the width of the proposed crossover failing to provide adequate refuge for passing pedestrians. The width of the crossover necessary to accommodate two off-street parking spaces following the removal of the existing crossover would not put passing pedestrians in any danger from vehicles using the spaces and would be typical of what pedestrians experience in the local area.
14. The Council's decision notice also refers to three proposed off-street parking spaces being insufficient to serve the appeal site, resulting in an increase in demand for on-street parking which would harm public and highway safety. However, as set out above, the Council have since confirmed that they would no longer seek an increase in off-street parking spaces at the appeal site and would instead insist on a maximum of two off-street parking spaces.
15. During my site visit I noted there were a number of on-street parking spaces in the vicinity of the appeal site at that time and I have not been provided with any detailed survey of parking stress in the locality. Based on my site visit, it occurs to me that parking stress in the area may fluctuate dependent on nearby school hours, but road markings are in place to prevent unsafe on-street parking in this area. The appeal site is located in an area with a poor Public Transport Access Level of 2 and the proposal would inevitably increase traffic movements to and from the site. However, the proposal could offer off-street vehicle and bicycle parking spaces in accordance with the development plan and I have not been provided with any evidence which convinces me the proposal would result in an increase in demand for on-street parking sufficient to harm highway or pedestrian safety.
16. In the absence of any evidence to contrary, the replacement of the existing vehicle crossover with a wider crossover to accommodate two off-street parking spaces further away from the bus stop would be unlikely to result in any additional harm to highway or pedestrian safety, compared to the risk that currently exists. Furthermore, I have not found the proposed development likely to result in an increase in demand for on-street parking sufficient to cause unacceptable harm to highway or pedestrian safety.
17. Subject to conditions, the proposal would not therefore harm highway or pedestrian safety with regard to its parking arrangement, and it would comply with Policies DMT 2 and DMT 6 of the Council's Local Plan: Part 2. These policies require, amongst other things, vehicular access to the highway to be safe and efficient, and any deviation from the Council's parking standards

should not lead to a deleterious impact on street parking provision or congestion.

Conditions

18. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition specifying the approved plans for clarity and enforcement purposes. As set out above, a condition is necessary to approve off-street parking and crossover details, requiring the removal of the existing crossover.
19. The Council have suggested conditions requiring the approval of refuse and bicycle storage facilities, and hard and soft landscaping details. I consider these necessary to ensure those facilities and the proposed garden spaces are appropriate for residents and to ensure compliance with the development plan. The submitted plans do not indicate the external materials to be used in the construction of the dwelling, which will also need to be approved to ensure an appropriate finish of the building, suitable for the area. It is necessary for these details to be approved prior to the commencement of development, which the appellant has agreed to.
20. The Council have suggested a condition requiring the proposed dwelling to comprise an 'accessible and adaptable dwelling' as defined by the Building Regulations⁴. Such a condition is necessary to achieve compliance with Policy D7 of the London Plan, bearing in mind the relevant regulation refers to optional requirements. As with some of the other conditions, I have amended the Council's suggested wording to accord with the relevant tests of the Guidance⁵.
21. The Council have suggested a condition requiring the approval of sound insulation details between floors, which I do not consider to be necessary as the proposed development does not result in any stacking of separate residential units.

Conclusion

22. For the reasons given I conclude that the appeal should succeed subject to the attached Schedule of Conditions.

L Douglas

INSPECTOR

⁴ Part M, The Building Regulations 2010 (as amended)

⁵ Paragraph 003, Reference ID: 21a-003-20190723 of the Planning Practice Guidance

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 156YA/P100 dated Sept 2020, and 156YA/P200 dated Sept 2020.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details shown on the plans hereby approved, no development shall commence until details of vehicle parking layouts have been submitted to and approved in writing by the local planning authority. Details shall include layouts for two off-street parking spaces, their necessary crossover and the removal of the existing vehicle crossover. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted. The vehicle parking layouts shall thereafter be kept available at all times for the parking of vehicles.
- 5) No development shall commence until details of secure covered bicycle parking facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted. The secure covered bicycle parking facilities shall thereafter be retained and kept available at all times for the parking of bicycles.
- 6) No development shall commence until details of facilities for the screened storage of refuse bins within the site have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby permitted. The facilities for the screened storage of refuse bins within the site shall thereafter be retained and kept available at all times for the storage of refuse bins.
- 7) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are

removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 9) The dwelling shall not be first occupied until the Building Regulations Optional requirement M4(2) has been complied with.