



Appeal Decision

Site Visit made on 25 May 2021

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/R5510/W/21/3269964

49 Beech Avenue, Ruislip, HA4 8UG

- 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 A Akbari against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 12926/APP/2020/2732, dated 28 August 2020, was refused by notice dated 23 November 2020.
 - The development proposed is described on the planning application form as 'to demolish the existing bungalow and have 4 new dwellings with parking and amenity space'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The London Plan (2021) has been published and is now part of the development plan. The previous policies of the London Plan (2016) have therefore been replaced. As a result, the Council has outlined that the parking standards set out under London Plan (2021) Policy T6.1 have replaced those contained within Appendix C of the Local Plan: Part Two - Development Management Policies (Local Plan Part 2). I have therefore taken this into account in my decision. In response, the Appellant has submitted a parking survey. However, given that this additional information goes beyond representations to the new London Plan Policies and given that I have found no harm in relation to parking and highway safety, I have not accepted this survey.
3. With regard to other main issues, the appellant and Council were both invited to provide further representations in relation to the new London Plan Policies. However, none were received. In this case, with regard to other main issues, I consider that I can rely on the policies of the Local Plan Part 2 and I am satisfied that the general design based policies of the new London Plan (2021) reflect these.

Main Issues

4. The main issues are as follow:
 - The effect of the proposed development upon the living conditions of the occupiers of 47 Beech Avenue (No 47) and future occupiers of the proposed development, with particular regard to noise and privacy.
 - The effect of the proposed development upon highway safety.

- The effect of the proposed development upon the character and appearance of the appeal site and the surrounding area.

Reasons

Living Conditions

5. The appeal site is currently occupied by a 1.5 storey detached dwelling, which has a parking area to the front, with attached and detached garages either side of the dwelling. The proposed development would involve the demolition of the existing dwelling and replacement with a building comprising four flats. Vehicle parking would be provided to the front and rear to facilitate the four proposed flats. The two car parking spaces to the rear of the property would be served by a new driveway to the side of the appeal site, adjacent to the boundary with No 47.
6. During my site visit, I noted that No 47 has two first floor windows within a side facing dormer, which directly overlook the location of the proposed driveway. This neighbouring dwelling also includes a ground floor rear window, which is in very close proximity to the boundary with the appeal site. Given these considerations, and the close proximity of No 47 to the appeal site, I consider that cars using the proposed driveway and manoeuvring in and out of the proposed spaces to the rear of the appeal site, would have a harmful impact on the living conditions of the occupants of No 47, in terms of increased noise and disturbance. This would be further exacerbated by the amount of manoeuvring that would be required to navigate the proposed rear parking spaces, as is discussed further in relation to the following main issue in this decision.
7. I accept that some level of noise and disturbance arising from parking and manoeuvring of vehicles is typical in a residential area. However, in this case, the close proximity and orientation of No 47 is such that a harmful and uncharacteristic level of noise and disturbance would arise. The appellant has suggested that a condition pertaining to a noise mitigation scheme could mitigate any noise and disturbance effects. However, I do not consider that such a condition would overcome the harm I have identified, given the very close proximity of No 47 to the appeal site and the constrained plot size.
8. The appellant has also provided examples of other properties on Beech Avenue which include driveways to the rear, some of which serve a similar number of units as those proposed in this case. However, in the case of the appeal development, the circumstances are unique due to the close proximity of No 47 and the aforementioned orientation of its windows, which would be more susceptible to noise and disturbance. Individual circumstances mean that direct parallels are not easily drawn.
9. For the same reasons, I also conclude that there would be a harmful effect upon the living conditions of the future occupants of the proposed ground floor flats, which would be located in close proximity to the proposed driveway and parking spaces at the front of the appeal site.
10. The Council's reasons for refusal also refer to the effect of 'communal amenity space' on the living conditions of occupants of the ground floor flats. The plans do not clearly indicate any area of communal amenity space other than the small area of paving to the front of the property. This area of paving would

provide access around the property to two proposed parking spaces and two proposed gardens to the rear of the property. As a result, the occupants of the first-floor flats would have to walk directly in front of the front facing ground floor bedroom window of one of the two ground floor units. The submitted plans show a small area of planting, which separates the paving from this window, but this could not mitigate the loss of privacy without completely obscuring the bedroom window, which would be unacceptable. I therefore conclude that there would also be a loss of privacy and disturbance to the future occupants of one of the proposed ground floor units.

11. Overall, the constrained plot size for the quantum of development proposed is such that there would be unavoidable harm to the living conditions of the future occupiers of the proposed ground floor flats and the occupants of the neighbouring dwelling at No 47. This harm could not be mitigated through the imposition of planning conditions. The proposed development would therefore be contrary to Local Plan Part 2 Policy DMHB 11, which seeks in part to protect the living conditions of neighbouring occupiers.

Highway Safety

12. The Council's case report suggests that, due to their size and layout, the proposed parking spaces would not be useable. In response, the appellant has submitted a vehicle swept path analysis which demonstrates how the four proposed off-street parking spaces could be accessed. Having reviewed the analysis, I consider that the spaces are all useable, albeit it appears that there would be a significant number of manoeuvres required in some instances.
13. Whilst I acknowledge the Council's concerns in relation to manoeuvrability for three of the proposed spaces, I consider that this would present as a nuisance to future occupiers rather than an adverse impact upon highway safety. This is because the spaces in question are clear of the highway and even if future occupiers were unable to utilise the spaces, there is on-street parking available. The resultant nuisance to occupiers is not in itself sufficient to give rise to any significant harm.
14. When I visited the site there were many on-street spaces available. Whilst I appreciate that my site visit only represents a snapshot in time, I consider it likely that there would be sufficient on-street parking in the event that one or more occupiers did not utilise the four proposed parking spaces. In addition, Beech Avenue is a dead-end, with limited through traffic. This reduces likely parking stresses. Third party representations suggest the possible extension of controlled parking zones. However, there is no evidence before me providing any detail on the likely implementation of these controls and therefore this consideration does not outweigh my findings.
15. The level of parking provision proposed complies with the maximum parking standards set out in London Plan (2021) Policy T6.1, which states that car parking should not exceed 6 spaces. I note that the Public Transport Access Level (PTAL) score is 1 (which is low) but given my findings in relation to highway safety and on-street parking, I do not consider that more than four parking spaces are required. Furthermore, Policy T6.1 takes into account the PTAL score in setting maximum standards.

Character and Appearance

16. The surrounding area, particularly along Beech Avenue, is varied in character and appearance. It comprises of mainly residential properties which vary in scale, from single storey dwellings to small two storey blocks of flats. Most of the properties are detached and have parking to the front. Some properties include access to parking at the rear.
17. The proposed development comprises a large two-storey building with associated parking and amenity areas to the front and rear. The Council's reasons for refusal do not relate to the design of the building itself but focus on the overall effect of the coverage of the site with development.
18. The proposed arrangement of parking areas to the front would not be out of keeping as this is a characteristic feature of the surrounding area. The bin storage is appropriately located to the side of the property and could be designed such that it would not have a harmful effect on character or appearance. The hard-surfaced areas and driveway would not be out of character, as there are many similar examples in the surrounding area as highlighted by the appellant. Furthermore, the car and cycle parking to the rear would not be prominent when viewed from the street scene and would therefore not have a harmful impact upon character or appearance.
19. For these reasons I conclude that the proposed development would not conflict with Local Plan Part 2 Policies DMHB 11, DMHB 12 and DMHB 14, which in part require that development is in-keeping with local character, incorporating high quality design and landscaping.

Other Matters

20. The appellant has cited the commitment within the National Planning Policy Framework to increase the supply of housing. The fact that the proposed development would provide a net increase of 3 dwellings, whilst a benefit which weighs in favour of the development, would not in this case outweigh the harm which I have identified in relation to living conditions. The appellant has also suggested that the site is currently under-utilised but I do not consider that the site is underutilised, as it currently provides for a single dwelling with an appropriately sized garden.

Conclusion

21. I have not identified any harm in relation to highway safety or character and appearance. However, this does not outweigh the harm that the proposed development would cause to the living conditions of occupiers of No 47 and future occupiers of the proposed development. There are no other matters raised which outweigh this harm. The appeal is therefore dismissed.

Luke Simpson

INSPECTOR