



Appeal Decision

Site visit made on 29 July 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/R5510/W/20/3258213

535 Uxbridge Road, Hayes, UB4 8HP

- 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 Rylex Developments Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 41498/APP/2020/662, dated 21 February 2020, was refused by notice dated 16 July 2020.
 - The development proposed is demolition of an existing bungalow and erection of a 2 storey block of 9x 2bed flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusing the application refer to Policies 3.5, 7.1 and 7.4 of the London Plan (2016), which relate to quality of design and the contribution development makes to local character. That plan has since been superseded by the London Plan 2021 (LP) published in March 2021. Policy D3 of the LP sets similar requirements for development with respect to the quality of design and how it responds to local character, and the need to ensure appropriate amenity. I have therefore determined the appeal with regard to Policy D3 and am satisfied that neither party will be caused an injustice by taking this approach.

Main Issues

3. The main issues are the effect of the proposed development upon:
 - the character and appearance of the area; and,
 - the living conditions of occupants of 537 Uxbridge Road, with particular regard to outlook and light.

Reasons

Character and appearance

4. The area of Uxbridge Road close to the appeal site contains a mix of mainly 2 storey detached and semi-detached houses and several blocks of flats. Originally houses would have been a similar depth, although this has changed over the years as properties have been extended at ground floor level. This has affected rear gardens which consequently vary in size but nonetheless

contribute to the character of the area. Most houses have either a side access to their rear gardens or attached single storey side garages. These create a gap between the side walls of neighbouring houses which also contributes to the character of the area.

5. The appeal site is unusual in that it has a wider plot than most properties nearby, and the existing house is single storey. Also, a footpath runs along one side boundary increasing the gap between it and the neighbouring house, No 533. The proposed block of flats would extend across the width of the site to approximately 1 metre from the boundary with neighbouring properties which is closer than is currently the case. However, the side accesses at both neighbouring properties would ensure a gap would remain between them and the side walls of the proposed development, which would be at least as large as gaps between properties elsewhere along the street.
6. The Council is concerned that the proposal would involve garden development which Policy DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) (DMP) sets a presumption against, except in exceptional cases. I agree with the appellant that the proposal would essentially be a redevelopment scheme rather than a backland development, but it would nonetheless involve the partial development of an existing garden and as such Policy DMH 6 is relevant. The proposal includes sub-dividing the garden into 3 separate amenity areas and the introduction of 7 car parking spaces which would significantly alter its character and appearance. The appellant has provided no justification to demonstrate that the proposal is an exceptional case that Policy DMH6 would allow for.
7. The proposed development incorporates various roof designs of differing heights. The main roof would comprise a crown roof. On one front corner of the building there would be a hipped roof extending from the crown roof but below it. On the other side there would be a 2 storey gable, again below the crown roof. 2 wings would project from the side of the building with hipped roofs. They would join the main crown roof but at a different height to the other roof sections. Overall, the appearance would be disjointed and fail to harmonise in terms of the building's design and that of the wider area. Other buildings in the area have a variety of roof forms but they are usually symmetrical, or reflect that of adjoining properties, and do not appear as incongruous as the proposed development.
8. Although I do not consider the appeal site to be as prominent as the Council suggest, the proposed development would, nonetheless, harm the character and appearance of the area and thus conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMH 6, DMHB 11 and DMHB 12 of the DMP, Policy D3 of the LP and the National Planning Policy Framework (2021) which seek to prevent inappropriate garden development and proposals that would fail to harmonise with the local context.

Living conditions

9. The side wall of the proposed development would be 1 metre from the boundary with No 537. It would have an eaves height of 5.5 metres with 2 hipped roofs rising to 8.25 metres. Although the wall would be approximately 4.5 metres from the eastern flank of No 537, it would project back approximately 4.75 metres beyond its rear building line at that point. When entering No 537's garden from the side garage entrance and looking out of the

side and rear kitchen window the proposed development would be both visually intrusive and overbearing to an unacceptable degree.

10. The increased height over that of the existing bungalow would also lead to overshadowing and a loss of light to the side windows of No 537. The ground floor window serves a kitchen which appeared to be dual aspect. The south facing kitchen window would provide adequate levels of light despite the proposed development leading to some overshadowing in the mornings. The first floor window serves a single aspect bathroom. As it is not a habitable room the reduction in light would not, on its own, be a reason for withholding planning permission.
11. I conclude on this main issue that the proposed development would have an unacceptable impact on the living conditions of occupants of No 537 with regard to outlook and the proposal therefore conflicts with Policy DMHB 11 of the LP which requires that development proposals should not adversely impact on the amenity of adjacent properties.

Other Matters

12. The appellant has suggested that the relationship between the proposed development and its neighbour, regarding outlook and design, is no worse than that of other flatted developments such as at Nos 541, 561 and 591. However, in these examples the rear of the flats does not extend as far beyond the rear building line of neighbouring properties, as is the case with the appeal proposal, and the roof designs are more uniform. As such these developments are not directly comparable with the proposal. In any case, have come to my own view regarding the development rather than relying on the approach the Council may have taken elsewhere.
13. I have had regard to other matters raised including the impact of noise and dust on neighbours during construction and increased noise and disturbance from cars associated with the proposal. However, as I am dismissing the appeal on the main issues for the reasons given above, I have not pursued these matters further.

Conclusion

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

P D Sedgwick

INSPECTOR