



Appeal Decision

Site Visit made on 20 July 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2021

Appeal Ref: APP/R5510/W/21/3268670

Land adjacent to the Load of Hay, Villier Street, Uxbridge

- 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 G Peters of Villier Street Developments against the decision of London Borough of Hillingdon.
 - The application Ref 20514/APP/2020/80, dated 6 January 2020, was refused by notice dated 11 August 2020.
 - The development proposed is construction of a dwelling with associated amenity space, refuse storage and parking provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the site address from the decision notice as this is more precise. The description of development is taken from the application form. Although different to the decision notice, no confirmation that a change was agreed has been provided.
3. The decision notice referred to policies from the London Plan (2016) and the Draft London Plan (intended to publish version). These have subsequently been replaced by the London Plan 2021 and the new National Planning Policy Framework 2021 (Framework) has been published. I have had regard to comments, where received, from the main parties in regard to these. There have been no fundamental changes relevant to the main issues in this appeal.
4. The appellant provided amended plans and additional information as part of their appeal to seek to address some of the reasons for refusal. Although not before the Council at the time of their decision, they were provided at the outset of the appeal. The main elements of the scheme have not altered from that originally submitted and upon which consultation took place.
5. Against this backdrop, no injustice would be caused to any appeal party or third party if I were to take the above into account. I have considered the appeal on that basis.

Main Issues

6. The main issues of the appeal are:
 - whether the proposed development would provide appropriate living conditions for future occupiers, with particular regard to outlook, outdoor amenity space, noise and disturbance,

- whether the proposed development would preserve or enhance the character or appearance of The Greenway Conservation Area (CA); and
- the effect of the proposed development on highway safety.

Reasons

Living Conditions

7. While sufficient light would be able to enter the property, the ground floor windows on the rear and side elevation would be in close proximity to the boundary treatments. The ground floor bedroom would have a more open alternative outlook from the front elevation bay window. However, the kitchen/lounge room windows would have limited separation to the boundary with some also having bike and bin stores even closer. A living wall would soften the views and add interest.
8. Nevertheless, the proximity and height of boundary and ancillary features would create a sense of enclosure resulting in a restricted and uninviting outlook for future occupiers even from the rear double doors. This would provide less than satisfactory living conditions for any future occupiers.
9. Policy DMHB18 of the Part 2 Plan¹ does not prohibit front and side areas being included as amenity space. Nonetheless, it states that outdoor space should be usable for private enjoyment and well located.
10. The front garden provides a defensible space from habitable rooms, is similar in size to nearby properties and provides some outdoor space. Notwithstanding this, it would be easily overlooked from road and pavement users. There would also be comings and goings associated with the commercial properties either side. Therefore, the front area would lack privacy.
11. The restricted width of the side area, that would primarily be a walkway and accommodate bin and bike storage, reduces the usability of that area. Unlike many other individual dwellings nearby, there would not be a large rear garden to compensate for issues with the side and front areas.
12. Therefore, the size of the usable outdoor space would be inadequate and far less than is reasonable. Even if I were to agree that all areas of the outdoor space contributed, the outdoor amenity space at the property would fall below the size requirements of Policy DMHB18.
13. The Daylight Sunlight Assessment demonstrates each room within the dwelling would accord with the BRE Guidelines² for internal daylight and sunlight. Although greater sunlight would be received at the outdoor spaces during the summer months when they may be used more frequently, the rear garden area would fall short of the BRE Guidelines for the spring equinox for sunlight.
14. The Framework suggests a flexible approach in applying policies or guidance relating to daylight and sunlight. Nevertheless, given my concerns over the usability of the front outdoor space, the rear garden would be more likely to be used at any time of year. The rear garden would also be of a limited size restricting its use further.

¹ Hillingdon Local Plan: Part 2 Development Management Policies

² Site Layout Planning for Daylight and Sunlight published by the Building Research Establishment

15. The Noise Impact Assessment Report (NIA) provided a background noise survey at the site and indicates that beer garden noise would have a 'negligible' impact at the nearest openable window. No evidence of any formal complaints to the Council relating to noise from the public house at existing properties has been put before me. Mitigation in the form of sealed windows and alternative ventilation have been put forward.
16. Notwithstanding this, other than noise from the beer garden adjacent to the appeal site, the NIA does not provide details of plant or other activities at the public house that may create noise and disturbance for future occupiers. There are no weekend noise levels, and limited evidence to explain spikes and drop offs in noise levels and the effect of lockdown on the background noise reading.
17. I appreciate that lockdowns may have restricted the information available from the site and that conditions could be imposed were the appeal to be allowed. Nonetheless, without certainty over the above details, I cannot be sure whether the noise levels recorded, findings and mitigation given in the NIA are sufficiently robust.
18. Consequently, the proposed development would not provide appropriate living conditions for future occupiers with regard to outlook, outdoor amenity space, noise and disturbance. It would fail to accord with Policy DMHB18 of the Part 2 Plan and Policies D6, D13 and D14 of the London Plan 2021 and the SPD1³ and SPD2⁴. These, in part, require good quality and useable private outdoor amenity space, adequate outlook, avoid significant adverse noise impacts and provide sufficient light.
19. Policy DMHB11 of the Part 2 Plan refers to effects on occupiers of adjacent properties rather than the development site itself. Policy SI2 of the London Plan relates to energy efficiency. Therefore, they weigh neither for nor against the scheme in relation to this main issue.

Character and Appearance

20. The appeal site is located within the CA. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
21. From my observations, the significance of the CA lies, in part, in the rhythm and quality of traditional properties in perimeter blocks set back from the edge of the pavement giving a spacious feel to the streetscene. The area had been the location of the Royal Elthorne Light Infantry Militia barracks although there is limited evidence of this remaining. There is however some variation in the scale and appearance of the properties and more modern blocks of flats are prominent in Villier Street.
22. The appeal site was formerly used for parking associated with the Load of Hay. At the time of my site visit the site was enclosed by hoardings and partly overgrown. There is far less consistency to the built form on this side of the street. Views over the site are of the backland residential development and flat roof garages and ancillary buildings. At present the site contributes little to the streetscene and has a neutral effect on the character and appearance of the

³ Mayor of London Housing Supplementary Planning Guidance March 2016

⁴ London Boroughs of: Hillingdon; Hounslow; Richmond upon Thames Supplementary Planning Document Noise Generating and Noise Sensitive Development

CA. While more open and without buildings, the presence of several parked vehicles open to the street would also not contribute positively to the significance of the CA.

23. The proposed dwelling would be detached and fill much of its narrow plot being close to its boundaries. This would be obvious from public and private vantage points nearby. Notwithstanding this, the grain, building line and spacing of development in this part of the street is inconsistent and lacks the regularity elsewhere in the street and wider CA. Moreover, the building would be set back from the road providing a front garden comparable to the more traditional layouts nearby. The site would be more constrained than many other plots in the area and appear cramped in comparison. However, this would be offset by the introduction of a dwelling that is more in keeping with the CA than the existing appearance of the site.
24. The elongated orientation, materials, detailing such as the front bay window and height would be similar to that of the Load of Hay and draw on aspects of the surrounding built form. Boundary treatments would not be excessive in size and as with external materials, were the appeal to be allowed conditions could be imposed to agree their final appearance.
25. The Council in their appeal statement confirmed they no longer seek to pursue concerns over the effect of the loss of parking on the viability of the Load of Hay. The site is in what is primarily a residential area where commercial uses are infrequent. I also note comments from the owners of the Load of Hay over the need for the parking area and it is no longer used as such. There has been no compelling case put to me that the development of the appeal site would be likely to lead to the closure of the Load of Hay and therefore the community facility would be retained.
26. Consequently, the proposed development would preserve the character and appearance of the CA. It would accord with the design and conservation aims of Policies BE1 and HE1 of the Part 1 Plan⁵, Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Part 2 Plan and Policy HC1 of the London Plan 2021. The proposal would also comply with the historic environmental policies contained within the Framework.

Highway Safety

27. The existing crossover would be widened and would exceed the size given in the Domestic Vehicle Footway Crossover Policy (DVFCP). But there would still be an area for pedestrians to take refuge between the appeal site and adjacent alleyway, the existing crossover already exceeds the recommended distance, and the widening is not significant.
28. The probability of vehicles emerging or entering the appeal site and the Load of Hay at the same time would be small given the size of the parking areas. The alignment of the street is relatively straight and conditions regarding boundary treatments would ensure there was good intervisibility for drivers and pedestrians. Given the layout and size of the parking areas vehicles are likely to be travelling at low speeds.
29. There is a mix of on street and off-street parking near the appeal site with some properties having frontage parking spaces. I saw that the size of

⁵ Hillingdon Local Plan: Part 1 Strategic Policies

crossovers varied in the street and include a wide one for Villiers Court opposite the appeal site. Crossovers of greater width than the DVFCP are not uncommon. It has not been shown that these current arrangements have led to incidents or cause any significant pedestrian safety issues.

30. Existing and future parking issues in the vicinity of the site have been raised by nearby residents. During my site visit, which I appreciate was only a snapshot in time, and that during different times of day and week the situation would not be the same, I saw that there were on street spaces available near the site. The appellant's parking survey showed that while there are parking restrictions in the street and nearby that there is sufficient on street space available for parking associated with the Load of Hay. I have not been presented with clear evidence to the contrary.
31. Sufficient off-street parking and cycle storage is proposed. While behind each other on the plot, as the scheme relates to a single property this would not lead to any significant difficulties in the spaces being utilised. Being for a single dwelling and as the site was previously a car park there would be little effect on traffic generation.
32. Therefore, the proposed development would not harm highway safety. There would be a technical breach of the Parking Standards set out in Appendix C of the Part 2 Plan and crossovers of greater width than the DVFCP. However, the scheme would comply with Policies DMT1, DMT2, DMT5 and DMT6 of the Part 2 Plan where they seek safe and efficient vehicular access, maximise safety for pedestrians and provide appropriate parking.

Other Matters

33. The proposal would align with the aims of the Framework to significantly boost the supply of homes and that small-scale developments can make an important contribution to meeting the housing requirement and the re-use of previously developed land. There would be economic and social benefits from the build and occupation of the dwelling and for energy efficiency. Given the scale of the scheme the contribution from these would be small.
34. While I do not have full details of the scheme highlighted by the appellant⁶, the evidence before me indicates that it provided a larger area of side outdoor space and it is therefore materially different to the appeal proposal.

Conclusion

35. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
36. For the above reasons, I conclude that the appeal should be dismissed.

Stuart Willis

INSPECTOR

⁶ 72636/APP/2017/776