



Appeal Decision

Site visit made on 25 October 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2021

Appeal Ref: APP/R5510/W/21/3281603

Cooks Garage, Forge Lane, London HA6 1BA

- 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 R Radia (Rigglo Investment) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 62125/APP/2021/952, dated 10 March 2021, was refused by notice dated 29 June 2021.
 - The development proposed is Demolition of existing garages and erection of a part single storey, part three storey building to provide 6 flats. Provision of 4 car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area. The other is its effect on the living conditions of future and existing adjacent residential occupiers.

Reasons

Character and appearance

4. The appeal site consists of garages facing onto a forecourt, falling within the Old Northwood Area of Special Local Character (ASLC). The ASLC is predominantly characterised by Victorian and Edwardian buildings and has an established mature and attractive character.
5. Some more modern buildings sit to the rear of Hallowell Road on Forge Lane. However, other than the notable use of a flat roof on the large building that hosts St Matthews Church Hall the buildings of size, substance and significance generally adopt a traditional form and appearance, incorporating pitched roofs. They subsequently contribute positively to the character and appearance of the area.

6. The proposed building would be substantial in height, scale and bulk. However, it would be its overtly modern design and form which would provide the starkest contrast with the existing built development. The flat roofs would conflict with the predominately pitched roofs within the area while the high void to solid ratio within the elevations would offer further uncomfortable contrast.
7. As a result, I therefore conclude that the proposal would be poorly designed within its context and would therefore have a significant adverse effect on the character and appearance of the area which would detract from the positive characteristics of the ASLC.
8. The proposal would therefore fail to accord with policies BE1 and HE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012) (SP), policies DMHB 5, DMHB 11, DMHB 12 and DMHD 1 of the Local Plan Part 2 Development Management Policies (2020) (DMP) and Policy HC1 of the London Plan (2021) (LP).
9. Amongst other things these policies seek well designed development which enhances and protects local distinctiveness and character and require development which reflects the character of the area.

Living conditions (future occupiers)

10. The building would not provide step free access to the four flats at first and second floor level. This would generally be provided via a lift, which is not included within this proposal.
11. The supporting text to Policy D7 of the London Plan (2021) (LP) notes that many households in London require accessible or adapted housing to lead dignified and independent lives. It is therefore an important issue. With this in mind, it requires that new dwellings provide step free access.
12. There is an acknowledgement that in exceptional circumstances the provision of a lift to dwelling entrances may not be achievable. It therefore advises flexibility in relation to the Policy for specific small-scale infill developments.
13. It is suggested that the provision of a lift would be detrimental to the number of units that could be provided and that ongoing maintenance costs would be prohibitive. However, this argument is not evidenced and there is nothing to indicate that this or a similar development would be unviable on the site were it to incorporate step free access throughout. Nothing indicates that there are exceptional circumstances for not providing a lift.
14. I therefore conclude that the proposal would be detrimental to the living conditions of future occupiers who otherwise may be forced to leave their home at some stage as a result of the lack of lift provision.
15. External amenity space would be provided to the upper flats in the form of a communal roof terrace at first floor level. However, the provision of such amenity space which would have to be accessed via the stairs from the upper floor flats is unlikely to provide quality private space for retreat and relaxation or other uses such as drying clothes.
16. Whilst I accept that these are the smaller flats within the scheme, it could well be the case that all four sets of occupants would wish to use the reasonably small space at the same time which could result in conflict between residents.

17. Policy DMHB 18 of the DMP is clear that outdoor amenity space should be private in order to fulfil its intended purposes. There are no strong planning reasons before me and there is nothing within the evidence to convince me that private amenity space could not be incorporated within the design that would not result in significant overlooking issues.
18. The proposal would therefore conflict with Policy D7 of the LP and policies DMHB 11 and DMHB 18 of the DMP which require development to be designed to the highest standards and to provide accessible housing and private amenity space. There would also be conflict with SPD¹ guidance which requires that all new homes are at a minimum designed to the standards set out in Approved Document M to the Building Regulations M4(2).
19. The kitchen, dining and living area of flat 2 within the ground floor would have a dual aspect, with large windows facing east and west. One window would overlook the narrow private garden to the west and the other would overlook a parking space. However, it is unlikely that a parked car would block significant levels of light into the window and although the garden strip would be narrow, it is likely that an acceptable level of light would penetrate across the more open land to the west and through the vegetation on the boundary.
20. There is nothing to indicate that the arrangement would result in such a limited level of natural lighting or outlook such that it would cause harm to the future living conditions of the occupiers of that flat or result in a reliance upon artificial means of lighting.
21. The proposal would not therefore fail to satisfy sustainability and energy efficiency objectives. There would therefore be no conflict with Policy DMHB 11 of the DMP nor policies D6 or SI 2 of the LP with regard to these specific matters where the policies amongst other things require a high-quality internal design and sustainability and the minimisation of greenhouse gas emissions.

Living conditions (existing occupiers)

22. The windows on the eastern elevation of the building would appear to be provided to the north of the windows on the adjacent St Matthews Presbytery which look towards the site. As a result, any interface between the windows would be at an oblique angle and it is unlikely that any significant level of overlooking would occur from windows within the development towards the presbytery.
23. Further, the roof terrace would be set back towards the western side of the site and would be bounded by an obscure glazed balustrade which would limit any opportunity for overlooking both towards the presbytery and also St Matthews Court.
24. A large section of the glazing on the southern elevation of the building would serve communal space on the first and second floors. Such areas would be unlikely to generate significant levels of overlooking.
25. The evidence indicates that the separation between the south facing windows on flats 4 and 6 would be in excess of 20m but not at the 21m required within the supporting text of Policy DMHB 11.

¹ Hillingdon Local Plan Accessible Hillingdon Supplementary Planning Document September 2017.

26. However, within the context of this highly urban back land location where the relationship between buildings appears to be historically close, it is unlikely that the very slight shortfall would have any noticeable adverse impact on living conditions.
27. The context of the site would therefore provide justification to depart from the guidance within the Policy were I minded to allow the appeal. This aspect of the proposal would therefore be acceptable despite the minor conflict with Policy DMHB 11 of the DMP.
28. Overall, I conclude on this issue that there would be no significant adverse impacts on the living conditions of existing adjacent residential occupiers. I have not identified conflict with Policy BE1 of the SP in terms of its aims to protect the amenity of surrounding land and buildings.

Other Matters

29. A fallback position has been identified in justification for the proposal. The evidence indicates that there is a recent planning permission relating to the provision of a day care facility. However, the building associated with that proposal would incorporate more traditional form and proportions and would include a pitched roof. It would therefore be less harmful than the scheme before me, and I subsequently afford this matter limited weight.
30. There are suggestions that the existing use of the site causes disruption due to noise and traffic. It is also suggested that the site could be used for a more intensive use which would be more harmful to the character and appearance of the area.
31. However, there is limited evidence in relation to suggested existing problems and there is nothing within the evidence which provides any specific detail as to alternative future uses nor any firm indication that such uses would occur. I therefore afford these matters limited weight.

Planning Balance and Conclusion

32. The proposal would provide additional housing on a small brownfield site with good transport links. In spite of these benefits, small site housing developments are still required to be well designed. Overall, the benefits would be outweighed by the harm to the character and appearance of the area which I have afforded significant weight.
33. Material considerations do not indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

TJ Burnham

INSPECTOR