



Appeal Decisions

Site Visit made on 7 September 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal A Ref: APP/R5510/W/21/3270975

123 Central Avenue, Hayes UB3 2BS

- 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 J Singh against the decision of London Borough of Hillingdon.
 - The application Ref 20352/APP/2020/3869, dated 23 November 2020, was refused by notice dated 1 February 2021.
 - The development proposed is demolition of existing attached garage and creation of new two bedroom dwelling with associated bin storage, bicycle parking and private amenity space.
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Appeal B Ref: APP/R5510/W/21/3278335

123 Central Avenue, Hayes UB3 2BS

- 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 J Singh against the decision of London Borough of Hillingdon.
 - The application Ref 20352/APP/2021/1451, dated 13 April 2021, was refused by notice dated 17 June 2021.
 - The development proposed is demolition of existing attached garage and creation of new two bedroom attached dwelling with associated bin storage, cycle parking and private amenity space.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is allowed, and planning permission is granted for demolition of existing attached garage and creation of new two bedroom attached dwelling with associated bin storage, cycle parking and private amenity space at 123 Central Avenue, Hayes UB3 2BS in accordance with the terms of the application, Ref 20352/APP/2021/1451, dated 13 April 2021, subject to the conditions in the attached schedule.

Preliminary Matters

3. I have taken the descriptions of development from the application form. Although different to that given on the decision notice, no confirmation that a change was agreed has been provided.
4. The decision notice for Appeal A referred to policies from the London Plan 2016. These have subsequently been replaced by the London Plan 2021 and the new National Planning Policy Framework 2021 (Framework) has been published.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 this. There have been no fundamental changes relevant to the main issues in this appeal.

5. For Appeal B the appellant provided amended plans as part of their appeal to address refusal reasons relating to wheelchair accessibility standards. 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.
6. There would be no injustice caused to any of the appeal parties by my taking the above into account in my decision.

Main Issues

7. The main issues are:

- The effect of the proposed development on the character and appearance of the area, having particular regard to the heritage significance of the Central Avenue, Hayes, Area of Special Local Character (ASLC) (both appeals); and
- Whether there would be appropriate living conditions for future occupiers, with particular regard to accessibility within the site (Appeal B only).

Reasons

Character and Appearance

Appeal A and Appeal B

8. The Framework states that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. When considering the effect of a proposed development on the significance of a non-designated heritage asset, the Framework advises that a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The significance of the ASLC lies in the relative consistency of the layout, scale and appearance of individual rows of properties. While there is some variation, Central Avenue is characterised by short terraces that have a similar scale and design. While some have been altered, there is a general uniformity to the appearance of the front elevations within each row.
10. For the most part, including the junctions where the appeal site is located, corner properties are set in from their side boundaries. This, along with the set back of properties from the street and wide pavements give a strong rhythm and rather spacious feel to the street and much of the ASLC. The site shares these characteristics and contributes positively to the character and appearance of the area. Notwithstanding this, some corner properties have been extended to the side, including at two storey level, and even where they have not, there is some variation in the size of the undeveloped side outdoor spaces.
11. Both schemes would subdivide the existing plot and introduce 2-storey built form closer to the corner, thereby reducing the existing gap. Nonetheless, the proposed dwellings would still be set in from the side boundary of the site and the corner by some distance.
12. While the resultant gap would be smaller than that opposite, it would be comparable to others in the area, including at the same crossroads which are not uniform in their spacing. As such, both schemes would not appear at odds

with the prevailing pattern of development and would retain an openness at this prominent corner.

13. The previous Inspector¹ referred to concerns over the bulk of the extensions being out of keeping with the scale of the existing property. The schemes before me are for a separate dwelling of similar modest proportions to the existing one. Therefore, although the quantum of development would be increased, the rhythm of development would be maintained, and the schemes would not appear cramped.

Appeal A

14. There are a small number of detached properties in the area. However, the proposed detached dwelling, would break the existing flow of the row of properties. Its separation, although not overly large, would be discordant with the predominant pattern of development in the street and give a disjointed appearance to the streetscene. Despite following the same building line, this detachment would be at odds with the flowing row of properties that it would most readily be seen with.
15. Although having a front gable, the form of the proposed one would jar with the consistent roofscape of those at the existing properties in the row. Extensions and alterations have eroded some of the consistency to the built form in the area. Nonetheless, the window arrangement and sizes have mostly been retained on the original dwellings. As a result, the differences in the proposed windows would also appear discordant with the consistency currently present in this row. Consequently, despite being of a similar scale and materials to the existing ones, the design of the dwelling itself would be incongruous.
16. Therefore, the proposed development would unacceptably harm the character and appearance of the area including the ASLC. It would fail to accord with Policies BE1 and HE1 of the Part One Plan², Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Part Two Plan³ and Policies D1, D4, D6 and HC1 of the London Plan 2021. These, in part, seek to ensure developments are appropriate to, harmonise and are well integrated with the local context and surrounding area, including conserving heritage assets such as ASLC's.
17. It would also fail to accord with the Framework where it seeks to conserve heritage assets in a manner that is appropriate to their significance and that proposals should be sympathetic to local character.

Appeal B

18. The proposed property would adjoin the existing one, be of a similar footprint and scale, and follow the same building line. Therefore, it would retain the rhythm of development in the street. The scheme would largely replicate existing materials, design features and the architectural style predominant in the area including the projecting front gable, window arrangement and archway between properties.
19. As such, the proposed development would not harm the character and appearance of the area including the ASLC. The scheme would accord with

¹ APP/R5510/D/19/3238674

² Hillingdon Local Plan: Part 1 Strategic Policies

³ Hillingdon Local Plan: Part 2 Development Management Policies

Policies BE1 and HE1 of the Part One Plan, Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Part Two Plan and Policies D1, D3, D4, D6 and HC1 of the London Plan 2021. These, in part, seek to ensure developments are appropriate to and respond to local characteristics, context and the surrounding area, including conserving non-designated heritage assets.

20. It would also comply with the Framework where it seeks to conserve heritage assets in a manner that is appropriate to their significance and that proposals should be sympathetic to local character.

Living Conditions

Appeal B only

21. Amended plans submitted as part of the appeal re-organised circulation space and entrance arrangements. The Council are satisfied that these changes have addressed their concerns. In the absence of any clear case to the contrary, I consider that the revised plans have overcome the concern and the layout is now appropriate.
22. As such, the proposed development would provide appropriate living conditions for future occupiers with regard to accessibility and would accord with the relevant requirements of Policy DMHB 11 of the Part Two Plan and Policies D5 and D7 of the London Plan 2021.

Other Matters

23. Appeal A

24. The proposal would align with the aims of the Framework and local policy to significantly boost the supply of homes and that small-scale developments can make an important contribution to meeting the housing requirement. Moreover, it would intensify the use of the land in a location accessible to services and facilities. 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, as would any benefits from the re-use of previously developed land were I to consider the site as such.
25. My attention has been drawn to a number of extensions to dwellings in the area. However, as with the approved scheme at East Way, these are attached to existing properties rather than creating a new detached unit. Therefore, they are materially different to the Appeal A scheme.
26. That the scheme would provide sufficient internal and external space as well as not giving rise to any highways safety or living conditions concerns are neutral factors. Therefore, they do not weigh in favour of the proposal.
27. Appeal A 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.

28. Appeal B

29. First floor windows would face towards the garden area of properties behind, although views towards the dwellings themselves would be at a more acute angle. Nevertheless, some overlooking is expected and tolerable in residential areas and already occurs given the position of dwellings and windows of nearby

properties. The separation between existing dwellings and the proposed one would ensure any reduction in daylight or sunlight would be small. As is the case with additional overlooking, this would not be significant or warrant dismissal of the appeal.

30. During my site visit I observed off site features such as outbuildings at adjacent properties and street furniture that was not shown on the plans. The absence of these features does not alter my findings with regard to the main issues.
31. Off street parking is provided for both the existing and proposed properties. Being for 1 additional dwelling, the impact on traffic generation would be minimal. Conditions are imposed for the provision and retention of parking for both properties as well as electric charging points and provision of waste and cycle storage. Therefore, the scheme would not give rise to highway safety concerns and makes provision for sustainable transport.
32. Large parts of the site were hard surfaced and there would be little effect on landscape features. In light of this, and the absence of any compelling evidence of wildlife use at the site, the scheme would not be detrimental to biodiversity.
33. I have assessed the scheme before me on its own individual merits and this scheme differs from those previously turned down at the site. The distinct circumstances of this proposal, and subtle variations to the built form and spacing at corner plots mean that the scheme would not set a precedent. I have concluded that the proposal would be acceptable, and I can see no reason why it would lead to harmful developments on other sites.
34. I have considered the proposal on the basis of the description of development given on the application form. Therefore, the lawfulness of the existing front rooflight and alterations at the existing dwelling is outside the scope of this permission.

Conditions – Appeal B

35. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This also specifies that the permission does not relate to the rooflight at the existing dwelling. This is to provide certainty.
36. Conditions are imposed in relation to external materials and a landscape scheme to protect the character and appearance of the area.
37. To prevent overlooking of adjacent properties a condition requiring the rear first floor and side elevation windows to be fitted with obscure glazing is included. A further condition is imposed preventing the introduction of new openings at first floor level in the new dwelling. In the absence of clear justification, it has not been shown that removing other permitted development rights is necessary or reasonable.
38. I have also imposed conditions requiring the provision of a refuse store to ensure adequate refuse facilities are provided for both units, as well as a cycle store to facilitate sustainable transport options. The provision and retention of parking spaces is conditioned to prevent on street parking and highway safety concerns.

Conclusion

39. For the above reasons, I conclude that Appeal A should be dismissed.
40. For the reasons given, and having taken all other matters raised into account, I conclude that Appeal B should be allowed subject to the conditions in the schedule below.

Stuart Willis

INSPECTOR

Schedule of conditions – Appeal B

- 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: Existing Floor Plans Drawing No 3464 - 01/FP, Existing Elevations Drawing No 3464 - 02/FP, Proposed Ground Floor Plan Drawing No 3464 - 03/FP, Proposed First Floor Plan Drawing No 3464 - 04/FP, Proposed Elevations Drawing No 3464 - 05/FP, Proposed Site Plan Drawing No 3464 - 06/FP; and Location Plan Block Plan Drawing No 3464 - 07/FP, except in respect of the front elevation rooflight at the existing dwelling shown on plan Proposed Elevations Drawing No 3464 - 05/FP.
- 3) The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing dwelling and shall thereafter be retained as such.
- 4) Prior to the occupation of the dwelling hereby approved details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority. These details shall include:
 - i. Planting plans (at not less than 1:100 scale),
 - ii. Written specification of planting and cultivation works to be undertaken,
 - iii. Schedule of plants giving species, plant sizes, and proposed numbers/densities,
 - iv. Means of enclosure and boundary treatments,
 - v. Details of an electric vehicle charging point for the proposed dwelling,
 - vi. External lighting; and
 - vii. A programme of implementation and retention.

The landscaping works shall be carried out in accordance with the approved details 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.

- 5) Prior to the occupation of the dwelling hereby approved the first-floor rear and side elevation windows shall be fitted with obscured glazing, and no part

of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings other than those expressly authorised by this permission shall be constructed on the side and rear elevation of the dwelling hereby approved at first floor level or above.
- 7) Prior to the occupation of the dwelling hereby approved cycle stores for the existing and proposed properties shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 8) Prior to the occupation of the dwelling hereby approved refuse stores for the existing and proposed properties shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. They shall be retained thereafter and not used for any other purpose.
- 9) Prior to the occupation of the dwelling hereby approved space shall be laid out within the site in accordance with Proposed Site Plan Drawing No 3464 - 06/FP for the parking of vehicles for the existing and proposed dwellings. The spaces shall thereafter be kept available at all times for the parking of vehicles.