
Appeal Decision

Site visit made on 14 September 2021

by C J Ford BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2021

Appeal Ref: APP/R5510/W/21/3274434

16 Evergreen Way, Hayes UB3 2BJ

- 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 B Vijayarajh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 75402/APP/2020/4109, dated 10 December 2020, was refused by notice dated 23 February 2021.
 - The development proposed is described as 'construct two storey side/rear extension to existing property and convert extended property to 1 No. 1 bedroom self-contained residential unit.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Revised versions of the London Plan and the National Planning Policy Framework (the Framework) were published in March and July 2021 respectively. As the latter was after the appeal was submitted, the main parties were given the opportunity to submit comments and the 2021 version of the Framework is referred to in the decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property, the terrace of which it forms a part, and the wider area.

Reasons

4. Evergreen Way comprises a residential street of predominantly two storey houses and three storey flats. 16, 18 and 20 Evergreen Way form a short terrace of two storey houses, with No 16 located at the southern end. To the north is another short terrace which accommodates 22, 24 and 26 Evergreen Way. In their original design, it appears the dwellings in the two terraces formed a mirror image of one another, and together the properties occupy the inside edge of a gentle curve in the street.
5. Between the northern flank of No 26 and the back edge of the pavement, there is a path to No 26's rear garden area and thereafter a wider open soft landscaped area. While there is not a direct mirror image of this layout beyond the southern flank of No 16, there is a pathway to the rear garden, and thereafter a small open soft landscaped area which sits alongside part of the garden which is enclosed by a wall. Notwithstanding the enclosure of the

garden area by the wall, the set back of the house ensures there is a continuous open area, devoid of a substantive built form, which wraps around the front and outer ends of the two terraces. The continuity of this open area results in the terraces having a sense of spaciousness in the street scene, which is an important part of the character and appearance of the locality.

6. While Nos 16 and 26 are shallower and stepped down from the other properties within their respective terraces, all the dwellings share some common and distinctive design features. This includes fairly wide two storey front elevations and perpendicular external walls. Furthermore, the two storey elements are housed under simple dual pitched roofs, with the outer gable ends, particularly at No 16, being prominent features in the street scene. Consequently, the distinctive designs similarly make an important contribution to the character and appearance of the locality.
7. In the proposed scheme, a new one bedroom two storey dwelling would be attached to the southern flank of No 16. At the ground floor level, there would only be a very narrow gap between the back edge of the pavement and a significant part of the house. While the first floor level would be set further back, the substantive built form of the house would greatly impinge on the openness to the south of the existing dwelling, such that the important sense of spaciousness that wraps around the terraces would be harmfully eroded, and the new dwelling would appear unduly cramped within its plot.
8. The design would also markedly differ from the host property and the other dwellings within the two terraces. The two storey part of the front elevation would be conspicuously narrow, while an angled section of the outer ground floor wall would be a striking departure from the perpendicular form of the houses. The upper hipped roof and lower flat roof would similarly be prominent irregularities, with the dwelling as a whole having an unusually complex form that would give the host terrace an awkward and disjointed appearance. The new dwelling would therefore appear incongruous, and significantly detract from the form and character of the neighbouring properties.
9. In light of the above, the proposed development would have an unacceptably harmful effect on the character and appearance of the host property, the terrace of which it forms a part, and the wider area. As such, it would conflict with Policy BE1 of the Council's 2012 adopted Local Plan Part 1 Strategic Policies, and Policies DMHB 11, DMHB 12 and DMHD 1 of its 2020 adopted Local Plan Part 2 Development Management Policies. Amongst other things, these policies seek to ensure high quality design which harmonises with the local context, and which makes a positive contribution to the local area in terms of layout, form and scale.

Other Matters

10. It is acknowledged the new dwelling would be constructed of high quality matching materials and it would provide comfortable indoor and outdoor spaces for future occupants. However, these considerations would not justify the harm of the proposed scheme.
11. The appellant states that a number of relevant development plan policies should be considered out of date. Policies 3.5 and 7.4 of the London Plan 2016 which were referred to in the Council's reasons for refusal are no longer extant. While the Local Plan policies referred to above predate the 2021 version of the

Framework, the Framework makes it clear that existing policies should not be considered out of date simply because they were adopted prior to its publication. Due weight should be given to them according to their degree of consistency with the Framework. Given the policies are consistent with the Framework's promotion of good design, and development that is sympathetic to local character and which maintains a strong sense of place, they are duly afforded substantial weight.

Planning Balance

12. The identified harm in relation to character and appearance, and the subsequent conflict with the development plan, are matters which are afforded substantial weight. Benefits of the proposal include the provision of an additional market dwelling. There would also be economic benefits associated with the dwelling's construction and subsequent occupation, including spending at local shops and services. However, as the net gain is just one dwelling, it would make a very limited contribution to the housing supply and the local economy. The cumulative benefits of the proposal are therefore only afforded very limited weight and they are insufficient to outweigh the adverse impacts of the scheme.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no material considerations, including relevant parts of the Framework, which indicate that the decision should be made otherwise than in accordance with it. The appeal is therefore dismissed.

C J Ford

INSPECTOR