



---

## Appeal Decision

Site visit made on 1 December 2021

**by Alison Scott BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 29 December 2021**

---

**Appeal Ref: APP/R5510/W/21/3280258**  
**2 De Salis Road, Uxbridge UB10 0SP**

- 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 Joel Jakobovics (Livemore Properties) against the decision of The London Borough of Hillingdon.
  - The application Ref 38071/APP/2020/3639, dated 6 November 2020, was refused by notice dated 8 June 2021.
  - The development proposed is Partial demolition of existing garage and erection in its place of a new two storey, two bed end of terrace dwelling.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues of the proposal are:
  - The effect on the character and appearance of the area;
  - Whether or not there would be an impact upon trees;
  - Whether or not there would be a pedestrian and highway safety concern; and
  - The effect on the living conditions of neighbouring occupants with regards to levels of light and outlook.

### Reasons

#### *Character and appearance*

3. The appeal property forms part of a block of approximately seven dwellings that have been planned in an ordered arrangement within a modern housing development located off Uxbridge Road. These houses are experienced as a group of two storey houses with their own very defined characteristics with a distinctive staggered building line arrangement. The curving sweep of the road and how the land rises upon entry into the estate from the main road contributes to their noticeable appearance within the street scene. Furthermore, their arrangement does not resemble the pattern of other houses seen within the housing development to which they are located.

4. Number 2 De Salis Road sits slightly forward of the attached dwelling, towards the bottom of the slope and is seen as the first house of the group.
5. The position of the houses on the curve is also part of their specific and distinctive character. The set back of the front building line from the estate road is a feature of their local character. As the houses follow the curvature of the road, the significant set back diminishes where the pattern of other houses within the estate are blocks set on a more regular building line close to the estate road.
6. By adding an additional dwelling here would step the building line considerably forward of No 2. The building line of the proposed development would be uncharacteristically close to the estate road at this point. This would visually distort the flow of the planned design of these houses including its strong building pattern and stepped ridge line. It would also harmfully interrupt the public views experienced when looking from the northern direction towards the south, onto Knights Gardens public open space.
7. Even though the finished design may complement the external appearance of the houses as a group, nonetheless it would not visually relate to its context and would dominate the block of houses. Overall, it would appear as a visually incongruous and intrusive addition to the street scene.
8. As the proposal would not reflect the local distinctiveness of this group of houses, it would harm the character and appearance of them and the street scene and therefore to conclude on this main issue, the proposal would conflict with Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies 2020 in their design aims. It would also conflict with policies D4 and D6 of the London Plan 2021 and the National Planning Policy Framework (the Framework) in their combined objectives to achieve well designed places and high quality design.

#### *Trees*

9. There are a number of trees within close proximity of the appeal site on the boundary of the public open space of Knights Gardens. These are identified as category B and C trees within the submitted tree survey. The trees are a positive feature of the local area and add value to it.
10. As a result of this close relationship, there is significant risk of pressures arising from the potential occupants of the proposal to seek the felling or removal of trees. This would thus reduce their visual effect as a group, and consequently result in harm occurring to the character and appearance of the local area.
11. Therefore, the conflict that would arise as a result of the close proximity of the proposal to the trees would adversely impact upon the character and appearance of the local area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan Part Two - Development Management Policies 2020, the London Plan 2021 and the Framework in their combined aims to achieve well designed and high quality development.

*Highway and pedestrian safety*

12. This proposal for a new dwelling would provide in-curtilage parking for a single vehicle. The Council's Parking Standards as laid out in the Local Plan Part 2 sets out that one car parking space is required per one or two bed unit. The proposal is for a two bed dwelling. Two in-curtilage parking bays would remain to Number 2.
13. At the time of my visit, I noticed that some on-street parking was occurring, although this was limited, and the estate road was of a generous width to avoid conflict with vehicles passing parked cars. Further, there are no parking restrictions along the estate road.
14. The local area is described by the Council as having a PTAL rating of 2 which is considered to be poor in relation to access to public transport. As a consequence, there would be a greater reliance on the private car.
15. However, there is no evidence before me to suggest the areas suffers from parking stress, and from what I viewed on site and the fact that this is a two bed dwelling with an in-curtilage parking space, I am not of the view that the proposal would lead to an intensification of on-street parking to the detriment of pedestrian and highway safety.
16. Therefore, given the proposed parking arrangements, it would not lead to on-street parking stress or result in harm arising to pedestrian and highway safety. It would therefore comply with policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies January 2021 in their objectives for development not to harmfully impact upon highway and pedestrian safety.

*Living conditions of neighbouring occupiers*

17. The outlook from all the front facing windows of No 2 would be towards a side wall of the proposed new dwelling, within very close range and of a large scale and mass. Even if the ground floor rooms were to experience a dual aspect, its proposed projection and relationship between the two buildings would create an overbearing feature when viewed from the front facing windows.
18. Further, given its proposed position and relationship with No 2, without a daylight/sunlight assessment to assess its impact on front facing windows of habitable rooms, I cannot be certain that no overshadowing or loss of light would be experienced to occupiers of this dwelling, and therefore no loss of living conditions would arise.
19. Therefore, to conclude on this main issue, the proposed development would harm the living conditions of the occupants of No 2 contrary to Policies DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 in their combined aims for development not to adversely impact on the amenity of adjacent properties. However, I find no direct relevance between the proposal and Local Plan Part 2 – Development Management Policies Policy DMHD 1 as this relates to extensions and not new build dwellings.

### **Other Matters**

20. The proposal may make efficient use of space, and would be located beside a pleasant public open space. The Council raise no concerns relating to the living conditions for its potential future occupants, and I have no reason to disagree with these findings. However, these are neutral impacts that neither weigh for or against the proposal.
21. It may increase housing numbers within the Borough although a small gain of one additional dwelling would not overcome the harm arising for the aforementioned reasons.

### **Conclusion**

22. Even though I have found no harm arising as a consequence of one parking space being allocated to the proposed new dwelling, in other respects it would cause detrimental harm to the character and appearance of the local area which would include negatively impact upon trees close to the site, and harm the living conditions of the adjacent occupants.
23. For these reasons, I have found the scheme would be unacceptable. As it would lead to conflict with the development plan taken as a whole, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR