



Appeal Decision

Site visit made on 18 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 February 2022

Appeal Ref: APP/R5510/W/21/3283412

Land adj. 5 Albert Road/North Hyde Road, Hayes UB3 4ND

- 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 Wellstone Management Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 42985/APP/2021/1990, dated 14 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is the erection of part two storey and part three storey residential building to provide 6 flats with associated landscaping, refuse and cycle storage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has an intricate planning history. However, the most recent, relevant planning application at the site is that refused under Ref. 42985/APP/2019/2676. This application sought the erection of a three-storey building to create 3 x 2 bed and 2 x 1 bed residential units with associated landscaping. This was refused and later dismissed at appeal under Ref. APP/R5510/W/20/3245594. I have had regard to this previous appeal decision, and the amendments that have since been made to the scheme, in making my decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and
 - whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to amenity space.

Reasons

Character and Appearance

4. The site forms a relatively small parcel of land located on the junction of North Hyde Road with Albert Road. Whilst the site itself is undeveloped, the surrounding area is considerably more urban in nature and of a mixed character.

5. To the immediate north and west of the site lie two-storey residential properties which are unquestionably suburban in character. These, at two storeys, and due to their layout, sit in harmony with one other. The residential properties fronting North Hyde Road are set on a building line which draws back from the road as they approach the appeal site, essentially aligning with the rear boundary of No 5 Albert Road. This layout means that the appeal site appears as a prominent space, forming an important break in the otherwise relentlessly urban character of this part of the Borough.
6. The proposal would act to infill this currently open space, rising to three storeys, and would be highly visible from North Hyde Road. The building would disrupt the existing layout of the neighbouring residential plots and sit uncomfortably and incongruously amongst them. As such, the development would fail to respond to the local distinctiveness of the site or enhance its context.
7. The appellant contends that a visual gap would be retained between the proposed development and the existing properties along North Hyde Road (at the rear of the proposed building). I acknowledge that there would not be a total loss of the existing gap, and that this proposed gap has been increased somewhat since the previously refused planning application was considered. However, the relationship between the two rows of established residential properties and their interconnectedness would still be lost.
8. I do not disagree with the appellant's assessment of the wider area as there are undoubtably some very large developments that exist very close by the appeal site, including the superstore opposite (although I do not have the full history or context of these developments in front of me). However, this does not remove the established relationship of the appeal site with the more suburban residential properties that frame it, and is not sufficiently compelling a reason to accept a larger form of development here.
9. The appellant contends that the building would form a 'beautiful' addition to the street scene, and that a building being set forward from an adjacent building line or where it is dominant, should not automatically be considered to harm visual amenity. Similarly, it is contended that the fact the site exists within Hayes Housing Zone/Heathrow Opportunity Area should have weight in coming to a decision. Based on the above reasoning, and assessment of the proposal relative to its immediate context, I disagree.
10. Consequently, I conclude the proposed development would fail to accord with the relevant provisions of Policy BE1 of the Hillingdon Local Plan Part One – Strategic Policies (2012), Policies DMHB11 and DMHB12 of the Hillingdon Local Plan Part Two – Development Management Policies (2020) and Policy D3 of the London Plan (2021). In summary, these policies seek to ensure that all development is of a high quality design.

Living Conditions

11. Policy DMHB18 of the Local Plan sets out the Council's policy for the provision of private outdoor amenity space in new developments. I acknowledge the appellant's comment that the outdoor amenity space provided would meet London Plan standards. I also appreciate that the figures set out within the Local Plan set a high bar and could be difficult to achieve, particularly in an urban environment such as this.

12. However, the proposed areas of amenity space are significantly below the requirements of the Local Plan. Not only this, but balconies on the upper floors would be positioned very close to, and overlook, the adjoining busy roads, providing an unattractive and unpleasant environment for occupiers. This would no doubt limit their use throughout the year.
13. Similarly, the terrace and garden areas depicted on the ground floor plan (serving the ground floor units) would be immediately adjacent to the road and pavement. Irrespective of any landscaping that could be conditioned to mitigate this, these areas of amenity space would be very uncomfortable to use.
14. I acknowledge that the development has been pulled back from the highway relative to the previously refused application at this site. Nevertheless, users of these cramped spaces would still feel exposed and vulnerable to the high volume of passing traffic, particularly given the location of the appeal site at a signal-controlled junction.
15. An area of communal amenity space is proposed to the rear of the new building, adjacent to North Hyde Road. Communal amenity space in lieu of private amenity space is generally not supported by Local Plan policies unless there are strong planning reasons for it. For similar reasons to those set out above, this space would not feel comfortable to use by reason of its position adjacent the busy North Hyde Road.
16. Although the appellant has confirmed in their appeal statement that this area of amenity space (labelled as 'community garden' on the submitted plans) would be for sole use by residents of the proposed development, this is not reflected in the submitted plans which show this area accessed from the pavement. Occupiers of the development, if they were to use it, would need to leave the building and walk along the highway to access this space.
17. I do not agree with the argument that because many of the units will not accommodate families, the occupiers of these units would have less need or pressure for external amenity space. Similarly, I do not consider it appropriate to rely on the open space (including that next to Old Station Road or of nearby developments) in lieu of appropriate on-site provision.
18. Consequently, the proposed private amenity space would fail to accord with the relevant provisions of Policies DMHB11 and DMHB18 of Local Plan Part Two - Development Management Policies (2020), which in summary seeks high quality private amenity space in development.

Conclusion

19. For the reasons I have set out, the appeal scheme would conflict with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Price

INSPECTOR