



Appeal Decision

Site visit made on 25 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2022

Appeal Ref: APP/R5510/W/21/3283577

67 Bishops Road, Hayes UB3 2TF

- 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 Vipul Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 51120/APP/2021/1616, dated 22 April 2021, was refused by notice dated 13 August 2021.
 - The development proposed is described on the application form as 'demolition of garage and erection of a detached 2 storey 1 bed 2 person dwellinghouse with associated amenity spaces, vehicle parking and new crossover, bicycle and bin stores on land adjacent to 67 Bishops Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended plan with a revised scheme (drawing A-PD-067-PL-110 Rev 01) was submitted. Whilst this did not form part of the original planning application, and an appeal should not be used to evolve a scheme, this plan shows very minor changes to internal layout. Since the fundamental aspects of the proposed development remain as submitted, and there has been the opportunity for comment on them, I have taken them into account.
3. The site has been the subject of a previous appeal under Ref. APP/R5510/W/17/3173483. I have had regard to this previous appeal decision, and the amendments that have since been made to the scheme, in making my decision.
4. An application for costs was made by Mr Vipul Patel against the Council. This application is the subject of a separate Decision.

Main Issues

5. The main issues are:
 - the effect of the proposed development on parking provision and highway safety;
 - whether the proposed development would provide acceptable living conditions for future occupiers with specific regard to amenity space and the effect of the proposed development on the living conditions of neighbouring occupiers, with specific regard to privacy; and

- whether the proposed development would make acceptable provision for accessible facilities.

Reasons

Parking Provision and Highway Safety

6. The area surrounding the appeal site is not subject to a controlled parking zone although is regulated by the use of double yellow lines in places. Many of the properties surrounding the site, including the appeal site itself, have vehicular crossovers and off-street parking. Some informal on-street parking also takes places along streets. Bishops Road is part of a very dense residential area made up of a number of long interconnecting streets. During my early afternoon site visit I noted a number of parked cars along the street, including partly on the footways. This is likely to be at a higher volume in the evenings and at weekends.
7. The Council's standards require two spaces to be provided for car parking. The development proposed would take place on the site of existing car parking in the form of a garage. A single, angled parking space is proposed in front of the new dwelling with two parking spaces indicated in front of the existing property. This would be insufficient against the standards and could displace parking onto the street.
8. One of the two parking spaces serving the retained property would be awkwardly positioned on the site. In all likelihood, this space could not be used freely unless the other space was free of parked vehicles. Such an inconvenient arrangement could also result in additional on-street parking.
9. The Council's parking standards are a maximum and London Plan policies encourage reduced reliance on the car and consequently parking provision requirements. The appellant also contends that the Council has not considered the provision of motorcycle or scooter parking in lieu of car parking.
10. Given the appeal site's poor Public Transport Accessibility Level rating, however, it is highly likely that there would be a reliance on private cars for making trips to and from the new property. The provision of motorcycle and scooter parking is set out within the Council's parking standards, but is in addition to, not in lieu of, the provision of appropriate levels of car parking. Moreover, no evidence of motorcycle or scooter parking provision has been provided.
11. With the above in mind, and taking into account the character of the area, any additional on-street parking as a result of the proposed development would add to the existing on-street parking levels on Bishops Road and neighbouring streets, increasing the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety.
12. Consequently, the proposed development would be contrary to the relevant provisions of Policies DMT2 and DMT6 of the Hillingdon Local Plan Part Two – Development Management Policies (2020) (Local Plan), which in summary seek to avoid the prejudicing of free flow of traffic or highway and pedestrian safety and to provide sufficient parking.

Living Conditions

13. Policy DMHB18 of the Local Plan requires 40sqm of private amenity space for new 1-bedroom developments. These spaces should be well located, well designed and usable for the private enjoyment of the occupier. This would be provided in the form of a rear garden and a first floor terrace.
14. By reason of its location to the rear of the property, this amenity space would be suitably private and useable, assimilating with the size and quality of gardens in the surrounding area.
15. The existing property is a 3-bedroom dwelling. Under Local Plan policy, if this were a new build, it would require 60sqm of private amenity space, compared with the 48sqm proposed. Despite this shortfall, Policy DMHB18 does not explicitly reference requirements for existing or historically established properties. In any case, the shortfall here would be fairly minimal and the space to the rear would remain useable and private.
16. The proposed first floor balcony would enable views over neighbouring gardens and towards the property to the immediate rear. That said, appropriate measures to mitigate the impact of overlooking from the balcony could be satisfactorily achieved by condition, requiring details of a suitably high and opaque screening. Whilst this would limit outlook from the proposed balcony and the rear facing room from which it extends, this would not be the only amenity space provided and the property would be dual aspect.
17. The proposal would therefore provide an acceptable size and quality of amenity space commensurate to the size and layout of both the existing house and the proposed dwelling. In addition, and subject to conditions in the event the appeal was allowed, there would be no adverse effect on the privacy of neighbours. The proposal would therefore accord with the relevant provisions of policies DMHB11 and DMHB18 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020), which in summary seek to ensure that developments complement or improve the amenity and character of an area, that development provides or maintains sufficient external amenity space, and protects the amenity of neighbours.

Accessibility

18. The proposed development would provide a ground floor WC and wash basin, as required to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'. However, it is not clear from the submission whether all of the other technical requirements have been met. Nevertheless, I consider it possible to overcome this matter by the inclusion of a suitably worded condition to ensure that the design of the development satisfies these requirements, in the event that the appeal was allowed.
19. I therefore find that the proposed development could be sufficiently accessible in accordance with Policy DMHB11 of the Local Plan, which in summary seeks to ensure the highest standards of design.

Other Matters

20. Policy H2 of the London Plan supports the development of small sites. Be this as it may, the principle of the proposed development is not a contentious

matter in the appeal, and I have no reason to disagree. The harm I have found relates to how it would be located, laid out and designed.

21. The appellant refers to the nearby development at 65 Bishops Road, a site subject to very similar circumstances. However, this development took place over ten years ago and was approved under a different planning policy regime. As such, I do not consider the two sites to be directly comparable although I have considered the effects of the development relative to its immediate context.

Conclusion

22. In regard to two of the three main issues, I have found that harm would not arise. This being a lack of harm, however, would be neutral in any balance, and by definition unable to weigh against the harm that I have found in regard to parking provision and highway safety. This would lead to conflict with the development plan for which there are no material considerations worthy of sufficient weight to indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

A Price

INSPECTOR