



Appeal Decision

Site visit made on 1 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2022

Appeal Ref: APP/R5510/W/21/3283615

Land rear of 98 and 100 Dawley Road, Hayes UB3 1NE

- 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 Karnvir Bath against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70588/APP/2021/1187, dated 24 March 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described on the application form as 'proposed erection of a residential dwelling with associated access, landscaping and parking (existing dwellings retained)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the appeal stage, an amended plan with a revised site layout (drawing 013421 02a) 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 predominantly illustrates updates to proposed parking spaces. There has been the opportunity for comment on the plan at appeal, and I have taken it into account.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area;
 - The effect of the proposed development on parking provision and highway safety; and
 - The effect of the proposed development on living conditions, with particular regard to noise and disturbance.

Reasons

Character and appearance

4. The appeal site comprises a pair of semi-detached dwellings and a parcel of cleared land behind them. This land, in all likelihood, would have once formed part of the gardens of 98 and 100 Dawley Road but is now discrete from them and is accessed independently via a side passage. From that perspective, the

land to the rear cannot be described as traditional garden land. Rather, it could reasonably be described as a 'backland' site.

5. Policy DMH6 of the Local Plan specifically deals with garden and backland development. Whilst there is a presumption against the development of garden land, backland development may be acceptable subject to exceptional circumstances. In respect of character and appearance, these exceptions require that backland development proposals are more intimate in mass and scale to frontage properties and that landscaping should be retained or re-provided.
6. Whilst the proposed development would not be readily visible from any public vantage point, it would be highly visible from neighbouring properties and gardens. Although the height of the new dwelling would be set below that of Nos 98 and 100, and there is some variation in the design of properties within the surrounding area, the new dwelling would be significantly larger than properties fronting Dawley Road in terms of its overall plot coverage and massing.
7. This scale of the proposed development, even when taking into account the considerable length of the plot, would not form a traditional backland development that would appropriately respond to the hierarchy of townscape here. It would be discordant and out of keeping with the pattern and rhythm in this part of Dawley Road.
8. I acknowledge the appellant's reference to the built-up nature of the surrounding area and during my site visit I was able to see the large commercial buildings that exist to the rear of the site. These undoubtedly dominate views from within the site and are widely visible from the surrounding area. Be that as it may, this is not reason to allow development in a neighbouring site that fails respond to this residential backland setting. Similarly, the appellant's reference to the proposed landscaping scheme and the use of timber cladding in construction would not overcome the harm identified above.
9. I also acknowledge the appellant's reference to the similar nearby developments, and in particular the appeal at 92A Dawley Road (Ref APP/R5510/W/18/3216900). However, that case is not directly comparable to the case before me as it related to the conversion of an existing outbuilding on that site. In any event, that example is clearly smaller and more subservient to the adjoining principal dwelling. The referenced appeal case at 43 The Drive (Ref APP/R5510/W/3244256) is set within an entirely different context and is again not comparable to the scheme before me.
10. The previously approved outbuildings at the appeal site are noted (Ref 70588/APP/2019/2323). However, these are of a modest size and scale, both in terms of their footprint and overall height and bulk. As such, these would appear as domestic outbuildings typical of a residential context.
11. For the reasons above, I conclude that the proposed development by reason of its size and scale relative to the adjoining, principal properties would harm the character and appearance of the surrounding area, contrary to 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), Policies D3, D4 and D6 of the London Plan (2021) and London

Plan Housing Supplementary Guidance (2016), which in summary seek to achieve high quality design in development. It would also fail to accord with the design objectives of the National Planning Policy Framework (2021).

Parking Provision and Highway safety

12. The area surrounding the appeal site is not subject to a controlled parking zone although is regulated by the use of single yellow lines, restricting parking along Dawley Road during the day. Many of the properties surrounding the site have off-street parking where front gardens once existed. Although the full width of the appeal site benefits from off-street parking, only a limited part of the appeal site frontage has a vehicular crossover.
13. I was able to identify a significant number of existing crossovers and dropped kerbs along Dawley Road during my site visit. Many of these extended along more than one property without interruption. Whilst the proposed crossover at the appeal site was considered by the Council to be unacceptable due to its length, it has since been reduced. I find that the proposed crossover would unlikely have any significant further impact on highway safety, in light of the immediate context.
14. In respect of parking provision, the Council's standards require two spaces to be provided. Taking into account the revised site plan, the proposed dwelling would be provided with a single parking space and the existing properties with two overall. This shortfall of parking spaces would be insufficient against the standards and would likely displace parking onto the street outside of the restricted parking hours. Moreover, the proposed access to parking spaces at the front of the existing properties, at a right angle to Dawley Road, is cramped. I am not convinced that this arrangement would be physically workable and for convenience would unlikely be used in this way.
15. I acknowledge that the Council's parking standards are a maximum and London Plan policies encourage reduced reliance on the car and consequently parking provision requirements. However, given the appeal site's poor Public Transport Accessibility Level rating, it is highly likely that there would be a reliance on private cars for making trips to and from the new property.
16. With the above in mind, and taking into account the character of the area, any additional on-street parking outside of the hours that parking restrictions operate would add to on-street parking levels on Dawley Road and neighbouring streets. This would increase the likelihood of the free flow of traffic and pedestrians being impeded, to the detriment of highway safety.
17. 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) and Policies T6 and T6.1 of the London Plan (2021), 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

18. The proposed development would be accessed via the existing passage that runs along the side of No 100, with parking spaces and a turning head located to the end of the rear gardens at Nos 98 and 100.

19. Whilst the access would serve only one dwelling and would unlikely result in significant trips, the position of the parking space and turning head is such that the starting and manoeuvring of cars would take place close to the rear of these neighbouring properties. Such activity, however minimal, would result in a greater disturbance than is currently the case, to the detriment of the living conditions of the occupiers of the neighbouring properties.
20. The appellant contends that similar movement already takes place on the land which produces noise, and the existence of a boundary fence would mitigate any impact. From my site visit, I saw that the site had clearly been disused for a considerable period of time and it was inaccessible by vehicles beyond the end of the side passage. Moreover, I have no evidence before me to suggest that the existence of a domestic boundary fence would sufficiently mitigate against noise and disturbance.
21. For the above reasons, I conclude that proposed development would harm the living conditions of neighbouring occupiers, with regard to noise and disturbance, contrary to Policy EM8 of the Local Plan Part One: Strategic Policies (2012), Policy DMHB 11 of the Hillingdon Local Plan Part 2: Development Management Policies (2020) and D14 of the London Plan (2021), which in summary seek to protect the amenities of neighbouring occupiers. It would also fail to accord with the design objectives of the National Planning Policy Framework (2021).

Other Matters

22. I acknowledge that the development would have certain benefits. It would result in the delivery of new housing in the Borough, with positive social, economic and environmental benefits. I also acknowledge that the proposed development would utilise and intensify a small site and increase density in this Outer London location, as promoted by London Plan policies in broad terms. However, these benefits would be limited and do not outweigh the harm that I have identified above.
23. I acknowledge the appellant's points in respect of the standard of accommodation proposed, the acceptable impact of the development on neighbouring living conditions in respect of overlooking and overshadowing and the fact that good levels of amenity space and landscaping would be provided for the both the existing and proposed dwellings. However, these should be expected of all development and therefore are neutral matters. They do not outweigh the harm to living conditions of neighbouring occupiers in respect of noise and disturbance, to the character and appearance of the area and in respect of highway safety.

Conclusion

24. For the reasons above, having had regard to the development plan as a whole and to all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR