



Appeal Decision

Site visit made on 5 July 2021

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2022

Appeal Ref: APP/R5510/W/21/3268811

38 Hazeldene Gardens, Uxbridge, UB10 9DJ

- 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 Mohamed Bharadia against the decision of London Borough of Hillingdon.
 - The application Ref 57039/APP/2020/4080, dated 8 December 2020, was refused by notice dated 2 February 2021.
 - The development proposed is described as the demolition of existing garage and construction of a 2 storey 2 bedroom home.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Mohamed Bharadia against the London Borough of Hillingdon. This application is subject to a separate Decision.

Preliminary Matters

3. The decision notice referred to policies from the London Plan (2016). These have subsequently been replaced by the London Plan 2021 and the new National Planning Policy Framework 2021 (the Framework) has been published. I have asked for and received comments on the publication of these documents from both main parties and have had regard to these in my decision.

Main Issues

4. The main issues are;
 - The effect of the proposed development on the character and appearance of the host dwelling and wider area;
 - The effect of the proposed development on the living conditions of the occupiers of No 38 Hazeldene Gardens, with regard to outlook and natural light; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The appeal site is located in a predominantly residential area characterised by similarly designed pairs of semi-detached dwellings that have a reasonably symmetrical form and pleasant visual balance. Dwellings are set back from the highway with garden and/or parking areas to the front. The materials used in the area are fairly consistent and the layout and style of the properties along the road provides a consistent rhythm to the street scene. Short terraces are located on the opposite side of Hazeldene Gardens.
6. The proposed development would extend the pair of semi-detached dwellings to the side, thereby disrupting the marked balance and rhythm described above in terms of the appeal site and the surrounding pattern of development. Additionally, as it would not be set down from the ridge or set back from the front elevation of No 38, it would create a visually prominent and dominant addition. The open nature of the street would mean that the proposed development would be readily apparent from the public domain such that it would have a significant influence on the street scene.
7. I have been provided with details of an approved development at the site¹. I do not consider this to be directly comparable to the appeal proposal. Whilst flush with the front elevation at ground floor, the approved scheme would appear subservient to the host dwelling due to its set down from the ridge, and set back at first floor from the front elevation. Additionally, the character of this side of Hazeldene Gardens is for semi-detached dwellings rather than short terraces, and this character would remain.
8. Consequently, I find the development would be in conflict with the relevant elements of Local Plan Part 1²(2012) Policy BE1, Local Plan Part 2³ (2020) Policies DMHB 11 and DMHD 1 and London Plan (2021) Policies D4, D5 and D6, which seek, amongst other things, to ensure that development is of a high quality design, harmonises with the local context and considers the character and quality of the surrounding area. The proposed development would also be at odds with paragraph 130 of the Framework which seeks to ensure developments are visually attractive and sympathetic to local character.

Living conditions

9. At present, the host dwelling is served by a side garden. The proposed development would introduce a dwelling between it and No 40 Hazeldene Gardens. The proposed dwelling would have a rear two-storey element that would project beyond the rear elevation of No 38.
10. The projection of the proposed dwelling close to the rear elevation and a first floor window of No 38 combined with its height and depth would have a detrimental effect on the outlook from this windows. The proximity of the proposed dwelling to this window would significantly restrict levels of light entering it, which would result in the room it serves being unduly gloomy to the detriment of their usability and the occupants of No 38.
11. Whilst my attention has been drawn to the approved scheme of a similar design, this scheme was for an extension to the dwelling and as such No 38 would not become an adjoining occupier as it would under the appeal scheme. I note the comment from the appellant that a condition could be applied to

¹ 57039/APP/2018/664

² London Borough of Hillingdon Local Plan Part 1 – Strategic Policies (November 2012)

³ London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (January 2020)

ensure that the ownership of the proposed development is not severed from the occupiers of No 38, however I consider that this would need to be secured via a planning obligation and one is not before me to consider.

12. I conclude that the proposed development would significantly harm the living conditions of the residents of No 38, with particular reference to light contrary to Local Plan Part 2 (2020) Policies DMHB 11 and DMHD 1 which seeks, amongst other things, to ensure that development does not adversely impact on the amenity, daylight and sunlight of adjacent properties. The proposed development would also be contrary to paragraph 130 of the Framework that seeks high standards of amenity for existing users.

Highway safety

13. At the time of my visit Hazeldene Gardens was quiet with minimal on street parking and very few vehicles passing. I appreciate my site visit provided only a snapshot of highway conditions. Nevertheless, based on my observations, it would be reasonable to conclude that levels of traffic would increase at peak hours when traffic is at its heaviest.
14. The proposed development would use existing access from Hazeldene Gardens. The Council are concerned regarding the lack of parking. Local Plan Part 2 Policy DMT6 references Appendix C: Parking Standards and requires that parking be provided in line with these standards. These standards provide the maximum car and other vehicle parking requirement and states that the maximum parking required for dwellings is 2 spaces per dwelling. Policy T6 of the London Plan also states that motorcycle parking spaces should count towards the maximum for car parking spaces. The London Plan also provides a maximum parking standard for residential development. This area is classed as Outer London PTAL 0-1 and London Plan Policy T6.1 and Table 10.3 requires maximum parking standards of up to 1.5 spaces per dwelling.
15. The submission details that the proposed development would provide a single car parking space and a motorcycle parking space. Cycle parking and an electric car charging point would also be provided. No 38 would have a single car parking space and two motorcycle parking spaces. The proposed development would therefore provide two parking spaces and would therefore be compliant with the relevant policy. I note the Council's concern regarding the reduction in car parking, however if future occupiers were to use a second car then there would be opportunity to park on the street, without causing congestion or parking problems.
16. For the reasons set out above, I consider that the proposed development would not be detrimental to highway safety. Accordingly, I find no conflict with Local Plan Part 2 (2020) Policies DMT2, DMT6 and Appendix C or London Plan Policies T6 and T6.1 which seek, amongst other things, to ensure that development would not lead to a deleterious impact on street parking provision, congestion or local amenity. The proposal also complies with paragraph 111 of the Framework which seeks to ensure that development does not have an unacceptable impact on highway safety.

Other Matters

17. The appellant suggests the Local Plan predates the most recent revision of the Framework and is therefore partially out of date. However, having considered

the relevant policies for the determination of this appeal against the Framework, including having regard to the fact the proposal would be a self-build house, I do not consider that they are inconsistent. Therefore, the development plan is up-to-date.

18. The erection of a single dwelling would make a positive contribution, albeit limited, to the borough's housing supply. It would also provide economic benefits during its construction by providing construction worker jobs. In addition, the future occupants would make a positive contribution to the local economy. However, the scale of the scheme would limit its associated socio-economic benefits. I have found that the proposal would cause unacceptable harm to the character and appearance of the area and on the living conditions of No 38 in the manner I have described above. I ascribe significant weight to these harms which would be long lasting. Therefore, and in regard to the specific circumstances of this case, the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits. It would not therefore be sustainable development for which the presumption in favour applies.

Conclusion

19. For the above reasons given above, having considered the development plan as a whole, the approach of the Framework and all other relevant consideration, the appeal should be dismissed.

Tamsin Law

INSPECTOR