



Appeal Decision

Site visit made on 15 June 2022

by Richard Clegg BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th July 2022

Appeal Ref: APP/R5510/W/22/3292468

Land Rear of 71 and 73 Hercies Road, Uxbridge, UB10 9LU

- 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 A Gray against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 69536/APP/2021/3405, dated 6 September 2021, was refused by notice dated 10 December 2021.
 - The development proposed is described as 'demolition of existing dwellings and construction of a single chalet bungalow dwelling and car port together with other associated development including landscaping'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A number of buildings on the site are referred to on the application form as existing dwellings. The buildings were erected without planning permission, and an enforcement notice required the residential use to cease and internal fixtures and fittings to be removed. The Appellant advises that the enforcement notice has been complied with, and that the four buildings should be considered as residential outbuildings¹. Accordingly, the proposed development is more accurately described as the demolition of existing outbuildings and the construction of a single chalet bungalow and car port together with other associated development including landscaping.
3. Shortly before determination of the planning application, a revised site plan was submitted on which the proposed bungalow was positioned 3m further back from the boundary with No 73 Hercies Road. The Local Planning Authority (LPA) has explained that, given the timing of the submission and the potential implications for neighbours, the revised plan was not taken into consideration when the application was determined. A revised plan showing the bungalow in that position has also been submitted as part of the appeal. That would alter the relationship between the proposed development and adjacent properties, a matter on which neighbours should have had the opportunity to be consulted. I am concerned that acceptance of the revised plan would cause prejudice to other parties, and I have not taken it into account in my consideration of the appeal.

¹ Appellant's statement, section 3.

Main Issues

4. I consider that the main issues in this appeal are:

- (i) The effect of the proposed development on the character and appearance of this part of Uxbridge.
- (ii) The effect of the proposed development on the living conditions of nearby residents, with regard to privacy and outlook.

Reasons

Character and appearance

- 5. The appeal site lies in a predominantly residential area, with houses and bungalows of differing appearance. Several properties on the south side of this part of Hercies Road have plots which extend in depth to the rear. On the east side of the appeal site, the area to the rear of Nos 65-69 Hercies Road appears to have been sub-divided. There is a variety of single storey buildings behind the frontage development, including on the site itself, as well as on the land to the west and east.
- 6. From Hercies Road there are glimpses of existing buildings to the rear of the frontage dwellings, including along the access drive at the appeal site. Given their relatively low profile, the existing buildings are not unduly prominent, and there is a sense of space apparent beyond the frontage housing. In 2014, a proposal for two two-storey dwellings on the land behind Nos 71 and 73 Hercies Road, was dismissed on appeal, due, amongst other reasons, to the height, density and cramped nature of the development.
- 7. The current proposal is for a single bungalow, involving a reduction in built form compared with the scheme which was dismissed on appeal. However, with the provision of first floor accommodation in the roofspace and roof heights of about 6m and 6.5m, it would be taller than the existing small buildings on the site, and than other nearby buildings in backland positions. Dormer windows would emphasise the more substantial form of the chalet bungalow, the eastern side of which would be apparent between Nos 71 and 73, above the entrance gates. It would also be noticeable at the east side of No 79. Although parts of existing outbuildings can be seen here, the proposed dwelling would be a more substantial and prominent structure. I am concerned that the construction of the proposed bungalow behind Nos 71 and 73 would be out of keeping with the general pattern of dwellings positioned along the frontage of Hercies Road, and that it would also erode the sense of space to the rear of the existing properties.
- 8. I have read that the proposal would result in a reduction in the footprint of built development on the site due to the demolition of the existing buildings. That aspect does not allay my concern about the effect of the development on the character and appearance of the area, given its position and size. Policy DMH 6 of the Hillingdon Local Plan provides for a limited scale of backland development in exceptional cases. A requirement is that development must be more intimate in mass and scale and lower than frontage properties. Whilst the Appellant argues that the bungalow would be lower than Nos 71 and 73 Hercies Road, the proposal is for a four-bedroom property, with a large roof and a projecting front gable. As such, the building would not be more intimate in mass and scale than frontage properties.

9. The Appellant has drawn my attention to several small-scale housing developments which were allowed on appeal. However, from the information before me, the schemes at Firs Walk, Hallowell Road and Woodside Road do not involve comparable backland sites, but proposals which relate more closely to the existing pattern of development. I note that the bungalow which was proposed at Snowden Avenue was not as tall as that in the scheme before me, and it was described as a two-bedroom property. In 2006 outline planning permission was granted on appeal for two houses at the rear of No 65 Hercies Road, land which is on the east side of the appeal site. However that site abuts conventional housing on Stuart Close, which extends along its eastern side. There are clear differences between each of these proposals and the development before me, and each scheme must be judged on its own merits.
10. I have also taken into account the presence of the cul-de-sacs at Stuart Close and, further to the east, Pastures Mead, on which housing has been built to the south of the frontage development on Hercies Road. Both these developments are accessed by conventional roads, which clearly punctuate the frontage of Hercies Road, and neither has the appearance of a backland scheme.
11. I have found that the construction of the proposed chalet bungalow on the appeal site would be out of keeping with the pattern of residential development in the locality, and that it would also encroach on the sense of space to the rear of the existing dwellings. I conclude that the proposed development would adversely affect the character and appearance of this part of Uxbridge. Accordingly the proposal would conflict with Policies DMHB 11, DMHB 12, and BE1 of the Local Plan, in addition to Policy DMH 6. It would also be contrary to paragraphs 124(d) and 130(c) of the National Planning Policy Framework (NPPF), both of which encourage development to be sympathetic to local character.

Living conditions

12. The front elevation of the proposed bungalow would be positioned about 11m from the boundary with the rear garden of No 73 Hercies Road and about 15m from the conservatory at the back of No 79. A tall hedge along the boundary with No 73 would prevent overlooking of that property. Whilst a screen wall between the site and No 79 would prevent overlooking at ground floor level, the first-floor bedroom window on the right-hand side of the front elevation would provide views over this boundary feature. The LPA has given the distance to the rear elevation of No 79 as 17.5m, a dimension which is not disputed by the Appellant in respect of the site plan which was the subject of the refusal of planning permission. In view of the close position of the first-floor bedroom window in the proposed bungalow, there would be a loss of privacy in the conservatory and rear amenity space at No 79. The site plan indicates tree planting on the boundary, but its close relationship to the intended position of the bungalow would be likely to militate against substantial tree growth in this location. In any event, overlooking would occur during the period before tree cover could provide effective screening.
13. The Appellant argues that separation distances of 18-21m, stated to be typically used as a benchmark, would be exceeded, and refers to a separation distance of 21m between the windows of habitable rooms specified in Policy DMHD 1(B)(vi) and paragraph 5.38 of the Local Plan. Policy DMHD 1 is concerned with alterations and extensions to dwellings rather than new

dwelling: moreover the distance given by the Appellant of 22m from the first floor of the proposed bungalow to No 79 Hercies Road relates to the revised site plan, which was not the subject of the decision to refuse planning permission, and which I have not taken into account in considering this appeal (above, para 3).

14. The LPA has pointed out that buildings to the east of the site appear to be in residential use. Screen fencing is in place on the boundary which would prevent overlooking at ground floor level. At the front of the bungalow, the nearest first-floor window on this side of the site would be to an en-suite, which I would expect to be obscure glazed. Although there would be a large bedroom window at first floor level on the right-hand side of the rear elevation, the nearest units at the rear of No 65 are orientated at right angles to the rear elevation of the bungalow, reducing the prospect of loss of privacy within those buildings. There would, though, be the prospect of overlooking of part of the outside areas adjacent to these units. As the new dwelling would be set back at least 3m from the boundary with the roof plane sloping back into the site, I do not consider that the presence of the proposed bungalow would appear as a dominant feature in the outlook from the units on the adjacent land.
15. It is suggested by the Appellant that the proposal would improve the outlook for neighbours. Although there is some open storage of building materials and equipment on the site, boundary walls and fencing provide screening and the existing buildings are modest structures. I do not consider that the proposal would materially improve the outlook for neighbours.
16. I conclude that the proposed development would result in overlooking of No 79 Hercies Road, which would unacceptably worsen the living conditions of the occupiers of that dwelling. Some overlooking of the external space at the units to the east would also occur, but my finding on living conditions is not dependent on that relationship. Because of the harm to living conditions, the proposal would be contrary to Policy DMHB 11 of the Local Plan and to paragraph 130(f) of the NPPF.

Other Matters

17. A large part of the site is covered by hardsurfacing, and the Appellant suggests that the introduction of more soft landscaping would provide a biodiversity net gain. The replacement of areas of hardstanding with vegetation would be beneficial, but it is work which could be undertaken separately from construction of a dwelling. It is a matter which carries little weight in favour of the scheme.
18. I note that no objections have been raised by the occupiers of No 73 or 79 Hercies Road, and that a letter of support from a neighbour was submitted at application stage. The occupation of dwellings may change over time, and those circumstances do not overcome my objections to development which I have found would be a harmful permanent feature in this location.

Conclusion

19. In its report on the application, the LPA indicates that that the proposal would comply with policies in the Local Plan and The London Plan concerning parking, highways impact and amenity space, and I have no reason to take a different view. However, the proposed development would conflict with policies in the

Local Plan which seek to ensure that new development harmonises with its surroundings and safeguards the amenity of nearby properties. These are the most important policies for determining this appeal, and I find that the proposal would conflict with the Development Plan considered as a whole. The benefit of replacing areas of hardstanding with vegetation carries little weight, and there are no matters which indicate that a decision on this appeal should be taken other than in accordance with the Development Plan.

20. For the reasons given above, and having regard to all matters raised, including references to possible conditions, I conclude that the appeal should be dismissed.

Richard Clegg

INSPECTOR