



Appeal Decision

Site visit made on 3 May 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2022

Appeal Ref: APP/R5510/W/22/3290172

Land Adjacent To 33 Brambles Farm Drive, Uxbridge UB10 0DY

- 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 Fallow Developments Ltd against the decision of London Borough of Hillingdon.
 - The application Ref 75534/APP/2021/861, dated 3 March 2021, was refused by notice dated 23 November 2021.
 - The development proposed is erection of a detached house with external alterations including landscaping, access and refuse / cycle storage; and provision of 9 communal parking spaces for the estate.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development upon:
 - The character and appearance of the surrounding area; and
 - The living conditions of occupiers of 33 Brambles Farm Drive, with particular regard to outlook.

Reasons

Character and appearance

3. The proposed dwelling would occupy an area of open land within the estate located between 33 Brambles Farm Drive and 2 Tanglewood Close. That area is laid mostly to hardstanding and, although access to it was blocked off at the time of my visit to the site, appears to have been used for the parking of vehicles. Small areas of landscape planting and grass borders lie within and around the perimeter of the site.
4. Brambles Farm Drive is laid out as an essentially open-plan estate. The entrance into the street from the busy Uxbridge Road leads between open-plan frontages and opens out into a modestly sized and pleasantly undulated grassed area. Other areas of wide grassed verges combine with the larger dedicated open space and open-plan property frontages to create a pleasing and relatively spacious layout. As a whole the site provides both a degree of 'breathing space' between properties on the two streets and is also consistent with the open character of street frontages and areas of open space, even if it is largely hard surfaced rather than laid to grass.

5. The proposed dwelling would retain access space between it and the existing houses on either side of it. It would be sited within the plot in a manner that would bridge the gap in the staggered frontage between Nos 33 and 2 without compromising the essential character or layout of the two streets, whilst the proposed layout of the site frontage would largely retain the existing layout of hard surfaced parking areas, grassed areas and the retention of the existing tree.
6. The loss of the 'breathing space' between Nos 33 and 2 would be unfortunate but would not, on balanced judgement, be out of keeping with the overall character or appearance of the surrounding area, or thus be fatal to the proposal. However, the proposal also makes provision for the creation of 9 communal parking spaces in 3 'blocks' to be dotted around elsewhere within Brambles Farm Drive and Tanglewood Close.
7. The largest of these, for 5 vehicles, would be directly opposite the appeal site within the largest area of grassed open space within the two streets. The other two areas, each provide two parking spaces, would be located on grassed areas closer to the entrance into Brambles Farm Drive and at the end of Tanglewood Close.
8. Whilst the appellant is at pains to state that the appeal site, and indeed other open areas and access roads within the two streets, is within its ownership, access to it is restricted and it doesn't function as open space, the area where it is proposed to create 5 parking spaces is different. It is part of the largest area of open space, pleasantly undulating with a number of large trees within it and centrally located, and as a consequence it forms something of a centrepiece within the existing street environment.
9. The proposed area of parking here would lead to the fragmentation of this area and significantly reduce its size and erode its function and usability. Furthermore, the undulating nature of the land and the trees within it are likely to add complexity to the creation of these spaces. Without detail to set out how they would be created, these spaces would be likely to further compromise its role and function, and also the contribution it makes to the pleasantly modest yet open setting of houses within Brambles Farm Drive and Tanglewood Close.
10. The same is true, to varying degrees, of the areas indicated for the remaining two blocks of 2 parking spaces. Regardless of the ownership of these areas, all appear and function as integral parts of the overall landscaping approach of the existing development. These elements of the proposal, to provide the car parking areas, would erode the comprehensiveness of the area's landscape layout and compromise its modest but pleasantly open character.
11. Furthermore, given the undulating nature of the largest of these open areas land and the proximity of the parking areas to trees within them, it is likely that the works required to create them would require kerbs and retaining walls similar to those found elsewhere within the estate. Without further detail to the contrary, it is likely that such works would further erode the character of these areas and be visually intrusive, thereby harming the appearance of these areas.
12. For the reasons I have set out I am satisfied that neither the development of the appeal site for a dwelling nor the proposed dwelling's siting within the appeal site would compromise the open character or appearance of Brambles

Farm Drive or Tanglewood Close. Although the appeal site fulfils a useful function in creating a breathing space between properties on the two streets it is not, on balance, critical to the overall character or appearance of the estate. Its loss to facilitate the construction of the proposed dwelling would not, therefore, be fatal whilst matters of its ownership are not a material consideration to which I give any significant weight.

13. However, the provision of the car parking spaces, scattered across Brambles Farm Drive and Tanglewood Close would erode the essential open-plan character of both streets, thereby compromising its essential character and its appearance. As such, the proposed development would fail to adequately take into account the impact of the proposal on neighbouring open spaces, compromising their integrity and amenity and would thus fail to harmonise with local context. The proposed development would not secure the form of high-quality development sought by Local Plan Part 1 (LP1) policy BE1 or Local Plan Part 2 (LP2) policy DMHB11, whilst the erosion of the areas of accessible amenity open space within the estate to facilitate the parking of cars would be contrary to the overall aims of LP2 policy DMCI3.

Living conditions

14. The substantial offset between 33 Brambles Farm Drive and 2 Tanglewood Close is mitigated by the width of the appeal site at present, meaning that neither have an overwhelming impact upon each other. The proposed dwelling would bridge the existing gap and introduce a substantial built form close to the neighbouring properties.
15. The effect of the offset and greater proximity would be more keenly felt by occupiers of No. 33. The rear portion of the proposed dwelling's flank elevation would project a significant distance between the rear of No. 33. Positioned due south of the rear of No. 33 the additional rearward projection of the full height gable elevation would have a significant impact upon the outlook from the rear of that property, with ground floor habitable room windows close to, and facing directly towards, that flank elevation.
16. A '*Daylight and Sunlight Report*'¹ submitted at the application stage concluded that the proposal would not result in an adverse effect in terms of measurable parameters for daylight and sunlight received by No. 33. Its findings relied, however, upon the construction of an extension at the rear of No. 33, an outcome which, despite the appellant's claims, cannot be reasonably be predicted. A revised '*Daylight and Sunlight Report*'² submitted with the appeal, based upon the existing arrangement at No. 33 reaches a similar conclusion.
17. Although the Council are critical of the updated report reaching a similar conclusion as the original one, for the windows unaffected by the proposed extension at No. 33, that would not be unexpected. For those windows at the rear of the property in its current configuration, the proposal would have an adverse, if not altogether harmful (in the manner set out in the Building Research Establishment's guide) effect on daylight and sunlight. However, whilst not solely determinative, it is a combination of these effects on daylight and sunlight, the scale and offset between the properties and the extent of flank elevation in this instance that persuade me as to the harmful effect that

¹ '*Daylight and Sunlight Report*' – Right of Light Consulting Chartered Surveyors – 8 October 2021

² '*Daylight and Sunlight Report*' – Right of Light Consulting Chartered Surveyors – 14 December 2021

the proposed development would have upon the outlook from the rear of No. 33, and thus the living conditions of occupiers of that property.

18. It is agreed between the main parties that there is a recently approved permission for an extension to the rear of No. 33 and I accept that there is a possibility that it may be constructed. Whilst I give this matter moderate weight as a material consideration, I have to consider the proposal on the basis of the proposals, and the context within which it would sit, from my observations of the site during my recent visit.
19. On this basis I conclude that the proposed dwelling would adversely affect the outlook, daylight and sunlight enjoyed by occupiers of the neighbouring property at No. 33. This would be harmful to their living conditions and the proposal would fail to secure the high-quality design sought by LP2 policy DMHB11. The proposed development would therefore be contrary to the design aims of LP2 policy DMHB11 in respect of living conditions.
20. The presence of an approved scheme for the extension of No. 33, which may or may not be constructed, is not sufficient to outweigh the harm identified based on my observations and the evidence before me. Reference is made in the respective refusal reason to LP2 policy DMHD1, but this policy seems to relate to alterations and extensions to residential dwellings, rather than new residential development, and so the weight that I can give it is limited as a result. This has not, however, been determinative and does not act against my conclusions in respect of living conditions.

Other Matters

21. The Council do not object to the principle, in highway safety and parking requirement terms, of replacement communal parking spaces in other locations elsewhere within Brambles Farm Drive and Tanglewood Close. However, as I have concluded that the provision of these would be harmful to the character and appearance of Brambles Farm Drive and Tanglewood Close, I have not considered further the means by which these would be provided and secured for future use in the interests of highway safety.
22. It is stated that the occupier of No. 33 does not object to the proposal, but the absence of an objection is a neutral factor that weighs neither in support of nor against the proposal.

Conclusion

23. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR