



Appeal Decision

Site visit made on 7 July 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2022

Appeal Ref: APP/R5510/W/22/3296325

26 Windsor Avenue, Uxbridge UB10 9AT

- 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 H Natt against the decision of London Borough of Hillingdon.
 - The application Ref 75963/APP/2021/1243, dated 19 March 2021, was refused by notice dated 17 February 2022.
 - The development proposed is Part two storey part single storey rear extension to existing dwelling and erection of a two storey 3 x bed semi detached dwelling with associated parking and amenity space to adjoin existing property including demolition of existing garage.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the appeal scheme on:
 - i. the character and appearance of the area
 - ii. the tree in the public highway adjacent to the appeal site; and,
 - iii. whether or not the appeal scheme would create an accessible dwelling in accordance with the relevant policies of the local plan

Reasons

Character and appearance

3. The appeal site is situated on Windsor Avenue at the junction with Richmond Avenue. Along with the surrounding area, the street is characterised by residential properties of similar appearance in a regular pattern of development and space between groups of dwellings, with well-defined building lines.
4. As a modestly sized detached dwelling on a well-proportioned plot with an open side garden, the appeal site is not typical of the area, where many such plots have been developed with extensions or additional dwellings. As such, the site makes a positive contribution to openness and thus the character and appearance of the otherwise densely developed area.
5. The proposed dwelling would project into the open space to the side of the property as shown on the submitted plans, to within 1m of the boundary, removing the contribution to the openness of the area. Furthermore, the appeal scheme would project a notable distance beyond the established building line of the adjoining street, Richmond Avenue.

6. The submitted plans also show the provision of car parking to the front of the property and some modest landscape planting that, subject to an appropriately worded condition, could contribute positively to the character and appearance of the area.
7. I saw other examples of similar infill developments referred to by the appellant. In particular, 48 Windsor Avenue was previously granted consent for an additional dwelling to the side, I note that in that instance the property still maintains a good degree of separation to the side boundary. The presence of those properties referred to by the appellant are material considerations that weigh in favour on the appeal scheme.
8. To conclude this main issue, while the appeal scheme is reflective of the tight grain of development of the surrounding area and I saw that development which is not dissimilar to the appeal scheme has been brought forwards nearby, nonetheless the appeal scheme would result in the loss of the positive contribution that the site currently makes to the area, removing an element of openness and projecting beyond the established building line on Richmond Avenue.
9. I therefore find that the appeal scheme would harm the character and appearance of the area contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHB 12 and DMHD 1 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) that, amongst other matters, seek to promote high quality design and enhance local distinctiveness.

Tree

10. I saw at the site visit that the street tree outside the front of the appeal was, in my considered opinion, dead. As such, the tree as it is makes a limited positive contribution to the area. The appeal scheme would nonetheless remove the gap in the otherwise continuous paving where a replacement tree could be planted.
11. The appellant asserts that the Council allow the removal of street trees and the replanting of a tree elsewhere on the public highway. I have no substantive evidence to support this statement and that the Council referred to the loss of the street tree as a reason to refuse to grant planning permission suggests that the Council would not agree to the loss of the tree. Furthermore, the appellant has not identified a suitable alternative location for a replacement tree or a suitable mechanism to secure the replacement tree.
12. For the reasons detailed above I find that the appeal scheme would result in the loss of a tree and location for the planting of a tree contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) that seek to protect local distinctiveness and high design quality.

Accessibility

13. The appellant does not dispute that the appeal scheme does not meet the standards required by London Plan Policy D7, suggesting that “modest internal changes” only are required and that such alterations could be secured by condition.

14. I have no substantive evidence before me to show that the modest internal arrangements referred to by the appellant could be provided and would be sufficient to ensure compliance with the requirements of Policy D7.

15. Therefore, I find that the appeal scheme would not provide an accessible dwelling and is thus contrary to Policy D7 of the London Plan that sets standards for new accommodation.

Other Matters

16. I note that the site is located within a built-up area with good access to public transport and services and facilities. The appeal scheme would utilise an already developed site to develop an additional home and, as detailed by the appellant there are no listed buildings on the site and it is not located in a designated conservation area. These are material considerations to which I afford some weight, they do not however outweigh the harm I have identified previously.

Conclusion

17. For the reasons outlined above, I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR