



Appeal Decision

Site visit made on 16 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 August 2022

Appeal Ref: APP/R5510/W/22/3299521
34 Hamilton Road, Uxbridge UB8 3AJ

- 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 James Shipperley against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 53075/APP/2021/4332, dated 23 November 2021, was refused by notice dated 20 January 2022.
 - The development proposed is careful demolition of the existing 2 bedroomed bungalow, and replacement with a 4 bedroomed, two storey detached house, built to the existing building line; retention of the existing rear and front gardens.
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Decision

1. The appeal is allowed. Planning permission is granted for demolition of the existing 2 bedroomed bungalow, and replacement with a 4 bedroomed, two storey detached house, built to the existing building line; retention of the existing rear and front gardens at 34 Hamilton Road, Uxbridge UB8 3AJ in accordance with the terms of the application Ref 53075/APP/2021/4332 dated 23 November 2021 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description in the formal decision above has been slightly amended so as to omit wording that is not a description of the development. I have determined the appeal on this basis.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the area with particular regard to the sites location within the Orchard Drive, Hamilton Road and Clayton Way Area of Special Local Character (ASLC). The second main issue is the effect of the proposal on highway safety with particular regard to parking and pedestrian safety.

Reasons

Character and appearance

4. The appeal site sits within a quiet residential area within the ASLC. The ASLC is characterised by properties of varying scale, bulk, design and materials. There are bungalows, these being in the minority to two storey dwellings. Some properties are of considerable age and incorporate attractive detailing, whilst others are of much simpler and plainer form. The dwelling which is the subject

of the appeal is in the latter category and the evidence suggests that it makes a neutral contribution to the character and appearance of the ASLC. Its loss would not therefore harm the ASLC.

5. The replacement dwelling would be two-storey and detached. It would have two forward projecting elements incorporating bay windows and these features would reference the appearance of 32 and 33 (No.33) Hamilton Road immediately to the south. They would differ in having a gabled design, but gabled roofs are an established feature of the area.
6. Whilst the replacement dwelling would clearly be bulkier than that existing, the front building line would be similar to that of the existing dwelling and much of that bulk would be placed to the rear where it would not be prominent in views from Hamilton Road. The crown roof feature would cover a very small area of the roof as a whole and neither that feature or the front elevation which would be broken up would result in an overly bulky dwelling. The plot would not be overdeveloped and sufficient outdoor space would remain to the front and rear whilst a 1m pathway to either side of the dwelling would allow side access.
7. The proposal would not therefore be harmful to the ASLC and would not harm the character and appearance of the area. The proposal would subsequently accord with Policy BE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012), policies DMHB 5, DMHB 11 and DMHB 12 of the Local Plan Part 2 Development Management Policies (2020) (LPP2) and policies D3 and D6 of the London Plan (2021) (LP).
8. Amongst other things these policies seek high quality design that is appropriate to the character of an area and local context and distinctiveness and which protects the historic environment including locally recognised historic features such as ASLC's.

Highway Safety

9. Traffic levels and speeds to the front of this corner plot are generally likely to be low as a result of the positioning of the dwelling on the street and the quiet residential nature of the area.
10. It is currently possible to park two cars off-street at the property and given that the front building line would be similar, this would likely remain the case even if a car in the southern parking space would have to move to allow the car that could occupy the northern space to enter and exit. There would likely be sufficient space for a future resident to gain foot access around cars parked to the front.
11. In any event, on street parking bays are provided and given that nearby properties are well provisioned for parking, there is no reason to believe that some limited additional on-street parking would be harmful to highway safety or the free movement of vehicles.
12. Given the highways situation and arrangement, there is nothing to indicate that there would be conflict between future occupants of the dwelling and pedestrians to such extent that highway safety would be compromised. There is nothing to indicate the existing arrangement has been problematic.

13. Whilst the Footway Crossover Policy¹ suggests a 2.4mx2.4m visibility splay should be provided, where all or part of the splay lies across land outside of the appellants control (in this case the driveway abuts the shared boundary with No. 33) it suggests a relaxation to this requirement can be considered taking into account amongst other matters, the level of pedestrian activity. Given that this is likely to be low and considering the existing arrangement, there is no compelling reason to impose this guidance at this location.
14. The proposal would subsequently comply with policies DMT 2 & DMT 6 of the LPP2 and Policy T6.1 of the LP which amongst other things require that development proposals must ensure that safe and efficient vehicular access is provided and that appropriate levels of parking are provided.

Other matters

15. The Council have not identified any adverse impacts on the living conditions of nearby occupiers as a result of the proposals and having considered the evidence and visited the site, I have no reason to disagree.
16. Any effects from the construction period would be short-term and could be mitigated by careful construction management and due consideration for neighbours.
17. I have been provided with a certificate of lawful development which relates to proposed extensions to the existing bungalow. However, whilst substantial, this scheme would be very different, broadly retaining the form of the existing bungalow especially in terms of the very limited additions at upper levels. I have therefore afforded this matter limited weight in justification for the proposal.

Conditions

18. Conditions have been suggested by the Council. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans. A condition relating to step free access is necessary to ensure the dwelling is accessible to as many people as possible. Details of materials, including hard surfacing are necessary in the interests of the character and appearance of the area, although it is not necessary for those details to extend to windows and doors.
19. A parking plan is not necessary and the parking area to the front of the dwelling is shown on the plans. Details of levels are not necessary as there are no significant changes in level at the site. A landscaping scheme is not necessary due to the small scale of the development. For the same reason, neither is a construction management plan, although a restriction on working hours is necessary in the interests of the living conditions of neighbouring occupiers.
20. There is no justification to restrict national permitted development rights which already address the matter of any future proposed upper side windows and privacy. There is no indication that such further windows are proposed or would be required. Those porthole upper side windows that are included within the

¹ London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy – Highway Services – 2019.

scheme are required to use obscure glazing in the interests of the living conditions of adjoining occupiers.

21. A drainage condition is required to ensure proper drainage of the site. A condition requiring an EV charging point is necessary to encourage more sustainable forms of transport.

Conclusion

22. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01_B, 02_A, 03_A, 04_B, 05_B, 06_B, 50_F, 51_E, 52_E, 53_F & 54_F.
- 3) No development of the new dwelling shall commence until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI 13 of the London Plan (2021) and will:
 - i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - ii. include a timetable for its implementation; and
 - iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
 - iv. provide details of water collection facilities to capture excess rainwater;

v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

- 4) No development of the new dwelling above ground works (slab level) shall commence until details of step free access via the principal private entrance have been submitted to, and approved in writing, by the Local Planning Authority. Such provision shall be in place prior to the first occupation of the dwelling and shall remain in place for the lifetime of the development.
- 5) No development of the new dwelling above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling and hard surfacing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 6) The dwelling shall be provided with a dedicated Electric Vehicle Charging point, the details of which shall be submitted to and agreed in writing with the Local Planning Authority prior to the first occupation of the dwelling. The charging point shall be available for use prior to the occupation of the dwelling and shall thereafter be retained and maintained in working order for the lifetime of the development.
- 7) The dwelling hereby permitted shall not be occupied until the first-floor porthole windows within the side elevations have been fitted with obscured glazing, and no part of these windows that are less than 1.7 metres above the floor of the room shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 8) The dwelling hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building.
- 9) No demolition/construction works shall take place outside 08.00 hours to 18.00 hours Mondays to Fridays and 08.00 hours to 13.00 hours on Saturdays nor at any time on Sundays or Bank Holidays.