



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: 14th October 2022

Appeal Ref: APP/R5510/W/22/3297015

32 Star Road, Uxbridge UB10 0QH

- 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 Arek Marczewski against the decision of London Borough of Hillingdon.
 - The application Ref 6964/APP/2021/3369, dated 5 September 2021, was refused by notice dated 25 March 2022.
 - The development proposed is described as the demolition of existing outbuildings and erection of a detached single storey 2-bedroom 4-person bungalow with associated amenity spaces, vehicle parking, bicycle and bin stores.
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Decision

1. The appeal is allowed and planning permission is granted for Demolition of existing outbuildings and erection of a detached single storey 2-bedroom 4-person bungalow with associated amenity spaces, vehicle parking, bicycle and bin stores at 32 Star Road, Uxbridge UB10 0QH in accordance with the terms of the application, Ref 6964/APP/2021/3369, dated 5 September 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A-3036-PL-012; A-3036-ELS-014; A-3036-SL-001; A-3036-SP-003; A-3036-BP-002.
 - 3) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. A-3036-BP-002 for two motorcycles to be parked and that space shall thereafter be kept available at all times for that purpose.
 - 4) The dwelling hereby approved shall not be occupied until space has been laid out within the site in accordance with drawing no. A-3036-BP-002 for two bicycles to be parked and that the space shall thereafter be kept available for the parking of bicycles.
 - 5) No development above foundation level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
 - 6) No development above foundation level shall take place until a landscape scheme has been submitted to and approved in writing by the Local

Planning Authority. The scheme shall include: - 1. Details of Soft Landscaping 1.a Planting plans (at not less than a scale of 1:100), 1.b Written specification of planting and cultivation works to be undertaken, 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate 2. Details of Hard Landscaping 2.a Refuse Storage 2.b Cycle Storage 2.c Means of enclosure/boundary treatments 2.d Motorcycle Parking Layouts 2.e Hard Surfacing Materials 2.f External Lighting 2.g Other structures (such as play equipment and furniture) 5. Schedule for Implementation. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 7) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- i. the parking of vehicles of site operatives and visitors;
 - ii. loading and unloading of plant and materials;
 - iii. storage of plant and materials used in constructing the development;
 - iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v. wheel washing facilities;
 - vi. measures to control the emission of dust and dirt during construction;
 - vii. a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii. delivery, demolition and construction working hours.
 - ix. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.

Applications for costs

2. The appellant has made an application for costs against the London Borough of Hillingdon. This application is subject of a separate decision.

Main Issues

3. The main issues are:

- i. Whether or not the appeal scheme would provide adequate living conditions for future occupiers, with particular regards outlook and daylight in respect of the habitable room to the rear of the proposed dwelling
- ii. The effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regards to 32 and 34 Star Road and the use of the access to the proposed property regarding noise and disturbance.
- iii. Whether or not the appeal scheme would provide satisfactory access with particular regards to future occupiers, service and emergency vehicles, pedestrians and cyclists.

Reasons

Living conditions (occupiers)

4. DMHB11 and DMHB16 of the Hillingdon Local Plan - Part Two (LP2) and Policy D6 of the London Plan amongst other matters require that new residential development provides an appropriate living environment and be designed to the highest standards.
5. The submitted plans show a room labelled 'study room' to the rear of the proposed dwelling would benefit from a single window facing towards the rear boundary, a 1.8m high close boarded fence, that is situated within 2m as detailed in the officer's report. Furthermore, the plan is annotated to suggest the use of obscure glazing, if required.
6. It is not at dispute between the parties that the room, being below the minimum size for a bedroom as detailed in Policy D6 of the London Plan, is likely to be used as a study. While this is a habitable room, it is my planning judgement that the nature of the use of such a room is different from, for example, a kitchen, living room or bedroom.
7. Therefore, while I do not doubt that the room would benefit from a very limited outlook only and lower levels of natural daylight as a result of the proximity of the boundary fence, I am nonetheless satisfied that the appeal scheme would, in totality, provide adequate living conditions for future occupiers with particular regards outlook and daylight.
8. Therefore, I find that the appeal scheme is not contrary to Policies DMHB11 and DMHB16 of LP2 and Policy D6 of the London Plan.

Living Conditions (neighbours)

9. Policies DMH6 and DMHB11 of LP2 requires, with regards this issue, that new development does not unacceptably impact on neighbours.
10. The submitted plans are annotated to refer to 'Road Lights' at the end of the narrow drive, no further details are provided. Some lighting on the access drive is reasonably expected and would improve access to the proposed dwelling. Based on my observations on site and the evidence before me I am satisfied

that an appropriate lighting scheme could be brought forwards that would illuminate the drive without having an adverse effect on the living conditions of the occupiers of the neighbouring properties 32 and 34 Star Road and could be subject of a suitably worded condition.

11. The appeal scheme is for a 2 bedroom dwelling, I have no substantive evidence to suggest that the resulting frequency of vehicle movements, while in close proximity to the side elevations of the neighbouring properties, would be so significant as to result in unacceptable noise and disturbance to the occupiers of neighbouring properties.
12. For the reasons detailed above I am satisfied that the proposed development would not have unacceptable adverse impacts on the living conditions of the occupiers of neighbouring properties, with particular regards to 32 and 34 Star Road, the use of the access to the proposed property with regards noise and disturbance. Therefore, the appeal scheme is not contrary to Policies DMH6 and DMHB11 of LP2.

Access

13. Access to the appeal property is a narrow drive between 32 and 34 Star Road. the appellant's statement of case details that the access is a minimum width of 2.35 metres wide. I saw at the site visit that the access appears too narrow for a car to reasonably use and the route would not be accessible to refuse or other service vehicles.
14. However, the submitted plans show that the appeal site would include cycle and motorcycle parking. The Highways Authority response to consultation accepts that this provision would accord with Policy T6 of the London Plan. I note that Policy DMT 6 of the LP2 requires up to 2 car parking spaces for schemes such as that proposed here. Nonetheless, in light of the provision of cycle and motorcycle parking I am satisfied that the appeal scheme would not harm highway safety and would provide acceptable access for future residents.
15. Turning to service vehicles, it is not practicable, and I would not expect refuse vehicles to leave the public highway and access a site of this scale to collect the bins. The submitted plans show bin storage for the appeal property adjacent to the public highway. I am satisfied that a suitably worded condition could be attached to any planning permission resulting from this appeal requiring the submission of details, the provision and retention of the storage for bins.
16. With regards emergency vehicles it is unlikely that larger vehicles could access the appeal site, nonetheless the Highways Authority consultation response refers to Building Regulations and confirms fire appliances could be positioned within the required 45m of the source of an emergency and I have no substantive evidence before me that would lead me to conclude otherwise.
17. Turning to pedestrian access, the narrow driveway would be shared by all modes of transport accessing the site, the appellant propose some lighting and I am satisfied that a lighting scheme could be subject of a suitably worded condition. On the basis of the limited length of the driveway and the small scale of the appeal scheme and thus trips along the narrow driveway, I am satisfied that the appeal scheme creates a satisfactory access for pedestrians.
18. To conclude this main issue, on the basis of the evidence before me I am satisfied that the appeal scheme would provide satisfactory access with

particular regards to future occupiers, service and emergency vehicles, pedestrians and cyclists and as such is not contrary to Policy T6 of the London Plan and Policy DMT6 of LP2.

Other Matters

19. The submitted plans show, and I saw at the site visit, that trees and hedges are located to the boundaries of the site. Furthermore, the submitted plans show root protection areas within the appeal site but there is limited supporting evidence in this regard. Nonetheless, the trees are located outside of the appeal site and the submitted plans show the retention of hedge. I am therefore satisfied that a suitably worded condition requiring tree protection measures during construction could be attached to any planning permission resulting from this appeal.

Conditions

20. In the interests of clarity, I have included conditions relating to the life of the permission and the approved plans. In the interests of the character and appearance of the area I have included conditions requiring the submission of the external materials of the dwelling and detailed hard and soft landscaping details that also refer to the provision of refuse storage, external lighting, the cycle storage and motorcycle parking. In the interests of the living conditions of the occupiers of neighbouring properties and highway safety I have included a condition relating to a Construction Method Statement. In the interests of the environment, I have included a condition relating to a tree protection plan and tree protection measures.

Conclusion

21. For the reasons given I conclude that the appeal should succeed.

Mr M Brooker

INSPECTOR