



Appeal Decision

Site visit made on 4 October 2022

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/R5510/W/22/3301645

170 Harefield Road, Uxbridge UB8 1PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Toast Developments against the Council of the London Borough of Hillingdon.
 - The application Ref 23469/APP/2022/144, is dated 17 January 2022.
 - The development proposed is erection of new 3 bedroom bungalow with dormers and rooflights serving accommodation in the roof on land to the front of existing dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area;
 - ii) whether or not living conditions for the occupiers of 170 and 172 Harefield Road and future occupiers of the proposed dwelling would be acceptable with particular regard to privacy;
 - iii) whether or not adequate provision would be made to meet the requirements for accessible housing; and
 - iv) the effect of the proposal on pedestrian and highway safety.

Reasons

Character and Appearance

3. Near to the appeal site, Harefield Road includes a mix of detached, semi-detached and terraced dwellings, as well as a block of flats and a large building which is in use as a care home. There is notable diversity in the form, architectural style and scale of the buildings. In addition, there is little overall consistency in the shape and sizes of plots or in the building line, and I observed a number of examples of dwellings set behind one another. Nevertheless, the buildings are for the most part set back from the street on relatively generous plots, and despite the irregular urban grain, there is an attractive spacious character to the area overall.
4. The appeal proposes a detached dwelling on land to the front of 170 Harefield Road, occupying part of its front garden. The dwelling would be closer to the street than No 170 and its semi-detached neighbour at 172 Harefield Road. Even so, these dwellings are set further back than most nearby, and the development

would be on a similar front building line to 174 and 174A Harefield Road to the east, and to 164 and 166 Harefield Road to the west. Backland development is not uncommon along this part of the street, and at my visit I noted examples of dwellings set behind one another, in some cases in series, that were discernible from the street scene. Against this context, I am satisfied that the siting of the dwelling and its position in front of No 170 would not in itself be uncharacteristic or discordant. While I note that there are already dwellings present to the rear of No 170, including a recently-constructed bungalow, I also have little firm reason to conclude that further subdivision of the site would inevitably be uncharacteristic or harmful to the appearance of the area.

5. In addition, the dwelling would be of similar design to the bungalow to the rear of No 170, and I find that its appearance would not be out of keeping or incongruous in the mixed street scene.
6. However, the plot for the dwelling would be one of the smallest in the area. The appellant comments that the site development density would be lower than the 35-50 units per hectare indicated by the Council's Residential Density Matrix. Be that as it may, the dwelling would occupy a significant proportion of its plot, with relatively limited separation to the boundaries with the accesses to either side. In addition, the garden to the rear would be of modest depth relative to most in the vicinity of the site. I acknowledge that the garden size would exceed standards for amenity space provision, but these factors would in my judgement cause the dwelling to appear somewhat cramped and squeezed onto the site.
7. There is variation in the size of plots locally, and I recognise that the plot size would not be exceptional. However, from my observations at my visit, the degree of spacing around the building would be unusually small for a detached dwelling on this part of Harefield Road. The position of the development also means that its close relationship with its boundaries would be readily appreciable in views from Harefield Road. Whether or not the size of the plot would be comparable to other sites including examples referred to by the appellant, I find as a consequence that the proposal would detract from the spacious quality of its surroundings in a prominent location. It would therefore cause some harm to the character and appearance of the area, albeit that the presence in the wider street scene of other different forms of development with more limited spacing around buildings, including the terrace at 178 Harefield Road, would temper the harm.
8. Furthermore, Nos 170 and 172 are an attractive and well-proportioned pair of buildings, and I agree with the Council that they contribute positively to the mixed street scene currently. The dwelling would be set below existing ground levels on the site and would be lower than Nos 170 and 172, but its bulk and width across the plot and the planting proposed to its rear boundary would still obscure significant proportions of these dwellings to views from many points along the street, diminishing the contribution that they make to the street scene. That being said, there would remain some views of them across neighbouring frontages. I also saw few examples of other semi-detached pairs nearby, and the evidence before me does not demonstrate that the existing dwellings are particularly representative of this part of the street. In my assessment, the harm arising on this count would accordingly also be modest.

9. The Council has also raised concerns that the provision of parking to the front of the dwelling close to the street would be irregular. However, the proposal includes planting along the front of the site between the vehicular accesses, and while this would be relatively small, it would provide for some separation between the parking and the street. I also saw a number of other sites nearby with large areas of hardstanding to their frontages, including at No 166 where it extends all the way up to the footway. As a consequence, I find that the arrangement would not be out of keeping or dominant within the street scene. Be that as it may, the large extent of hardsurfacing to the frontage would further increase the overall coverage of the site by built form, exacerbating the visual impact of the proposal on the openness of the area.
10. The large set back of Nos 170 and 172 from the street is unusual, but the separation distance reduces their prominence, and I did not find their position to be unduly conspicuous given that the building line is not uniform. In this context, the reinforcement by the development of the general building line illustrated by Nos 166 and 174 to either side of the site would not offer significant enhancement to the street scene so as to outweigh the harm to the spacious character and appearance of the area.
11. For these reasons, I conclude that the proposal would result in some harm to the character and appearance of the area through the erosion of its spacious quality and the contribution currently made by Nos 170 and 172. Although I consider the degree of harm would be modest, it would nevertheless result in conflict with Policy BE1 of the Local Plan: Part 1 – Strategic Policies 2012 ('LPP1'), Policies DMH 6, DMHB 11 and DMHB 12 of the Local Plan Part 2 – Development Management Policies 2020 ('LPP2') and Policy D3 of the London Plan 2021 ('LP'). Amongst other things, these Policies require a high quality of design, and seek to protect local character including through development that responds to local context and that enhances local distinctiveness. The proposal would also be contrary to the National Planning Policy Framework ('the Framework') insofar as it requires development that is sympathetic to local character and that adds to the overall quality of the area.

Living Conditions

12. The Council indicates that there would be around 14-16m separation between the rear of the dwelling and the front of Nos 170 and 172. This has not been disputed by the appellant, and would be significantly below the minimum 21m distance that supporting text to Policy DMHD 11 of the LPP2 indicates will be required between windows of habitable rooms to maintain levels of privacy and to prevent the possibility of overlooking.
13. At first-floor level, the rooflights and dormer to the rear of the dwelling would not serve habitable rooms, and the appellant indicates that they would be fitted with obscure glazing. This could be secured by a planning condition, and would ensure that there would not be harmful overlooking from the first-floor of the dwelling to Nos 170 or 172.
14. At ground-floor level, there would be relatively large areas of glazing to the rear of the dwelling which would serve the kitchen and living room. Fencing along the rear boundary of the dwelling's garden would largely screen views between these windows and the ground-floor of Nos 170 and 172. However, there would still be potential views from them up towards the first-floor windows of these neighbours. Given the close proximity at which these views

would occur, I find that they would result in an impression of being overlooked and a loss of privacy for the neighbouring occupiers.

15. There would also be potential views from the neighbouring windows down onto the ground floor windows and much if not all of the garden of the proposed dwelling. In my judgement, the resulting overlooking would be intrusive given the proximity and the extent of visible areas, and would result in a distinct lack of privacy that would detract from the attractiveness and usability of the spaces.
16. The appellant considers that screening could be provided by landscaping, and at my visit I saw fairly tall evergreen planting in place along part of the proposed boundary between the dwelling and Nos 170 and 172. Even so, views of the neighbouring windows were not completely obscured from within the site, and there were still clear views up towards some first-floor windows of No 172, including within the large bay which would be likely to be reciprocated. Moreover, vegetation may die or become diseased, and whether or not it was provided on both sides of the boundary, I am not persuaded from the information before me that it could be relied on long-term to provide screening. Accordingly, I am not satisfied that planting would adequately mitigate the harm identified.
17. The appellant suggests that overlooking to the garden would not be different to that experienced by the garden of the recently constructed dwelling to the rear of No 170. However, while this garden may adjoin 3 other properties, it is not clear from the information before me that any of the neighbouring dwellings are in similarly close proximity to its boundary as would be the case in the development before me. Indeed, the layouts provided by the appellant suggest that they are further from the garden's boundary than proposed here, and the appellant's written evidence further suggests that separation distances between the first-floor habitable room windows of the approved dwelling and neighbours would be at least 21m. Similarly, the details before me indicate that separation between 166A and the boundary to the garden of 166 is greater than would be provided between Nos 170/172 and the boundary of the proposed dwelling's garden. Available views between these sites would not therefore be at such close range as in the appeal scheme, reducing overlooking and allowing for increased privacy. They can therefore be distinguished from the development before me.
18. I have also noted the appellant's 'proximity analysis' overlay within their final comments, and reference to a number of properties nearby being sited much closer than would ordinarily be countenanced. However, the submitted evidence does not clearly demonstrate that any of these examples result in directly equivalent relationships between dwellings including with regard to the position and arrangement of habitable room windows, and so I can draw little comparison with the appeal proposal. In any event, these examples do not establish a lack of harm, nor offer a compelling justification to allow further development which would not achieve separation distances sought within the development plan.
19. For these reasons, I find that privacy for future occupiers of the development would be inadequate, and the proposal would cause a harmful loss of privacy for the occupiers of Nos 170 and 172. Accordingly, I conclude that living conditions for occupiers of Nos 170 and 172 and the proposed dwelling would be unacceptable, resulting in conflict with Policy DMHB 11 of the LPP2 which

includes a requirement that development proposals should not adversely impact on the amenity of adjacent properties. There would also be conflict with the requirement within the Framework for a high standard of amenity for existing and future users.

Accessible Housing

20. To provide suitable housing and genuine choice for London's diverse population, Policy D7 of the LP includes a requirement for dwellings to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.
21. In response to concerns raised by the Council, the appellant's evidence clarifies that local ramping could provide for level thresholds to the dwelling so that step free access would be possible. They have also submitted a plan showing updated ground and first floor layouts (drawing ref SK3/A) indicating how prescribed standards within requirement M4(2) including for clear access zones and spatial standards could be met. Having considered the submitted details, I am satisfied that any amendments necessary to meet M4(2) requirements would be very minor affecting the internal layout and landscaping only, and I see no reason that compliance could not be achieved. In these circumstances, I find that it would in this case be reasonable to secure further detail and compliance by way of a planning condition.
22. Subject to this condition, I conclude that the development would make adequate provision to meet the requirements for accessible housing, and it would accord with LP Policy D7.

Highway and Pedestrian Safety

23. The proposal includes the creation of a new vehicular access point to the site adjacent to the boundary with No 172. This would be additional to the existing access adjacent to the boundary with 168 Harefield Road.
24. The comments of the Highways Officer presented within the Council's appeal statement set out that the Highway Authority objects to the proposal, noting that it would not be compliant with the Domestic Vehicle Footway Crossover Policy 2019 ('DVFC') which allows only one crossover per dwelling. In this regard, I note the guidance at 4.11 of the DVFC which states that 'to limit any adverse impact on pedestrians using the adjoining footway and to minimise the loss of kerb side parking, only one crossover will be permitted per property'.
25. However, it continues that a second crossover may be permitted subject to certain criteria. Harefield Road is a classified road and the access would allow vehicles associated with the development to enter and leave the site in a forward gear. The site frontage abutting the highway is also more than 12m wide, and I have no firm reason to find that the new access would cause an unacceptable loss of on-street parking or amenity. In these regards, the proposal would reflect the specific criteria listed in the DVFC. Moreover, the existing access at the site already serves 3 dwellings and would continue to do so. The 2 accesses would therefore serve a total of 4 properties.
26. In addition, the Council's Highways consultee's comments on the proposal in their 'Transport & Highways Appraisal' dated 10 February 2022 recorded that they welcomed the access arrangement that would allow vehicles to enter and leave the site in a forward gear, and raised no objection in principle to the 'in and out' layout. The comments concluded that the Highway Authority was

satisfied that the proposal would not discernibly exacerbate congestion or parking stress, and would not raise any measurable highway safety concerns.

27. The reason for the apparent change in the highways consultee's position from that set out in the Transport & Highways Appraisal to the objection noted in the Council's appeal statement is not clearly explained in the evidence before me. Nor has the Council provided substantive evidence to demonstrate how the additional access would be likely to increase the chances of collisions between pedestrians, road users and the site's vehicle users as it asserts. From my observations at my visit, visibility from the additional access would be reasonable, and the access would also be visible to vehicles and pedestrians for some distance as they approached the site which would be likely to minimise risk of meaningful detriment to safety. In this context, I do not find there to be compelling evidence that would lead me to depart from the conclusions of the Highway Authority in their Transport & Highways Appraisal comments.
28. Notwithstanding the guidance in the DVFC, I conclude for these reasons and on the basis of the evidence before me that the proposal would not unacceptably harm highway or pedestrian safety, and I find no conflict with Policies DMT 2 or DMT 6 of the LPP2 or Policy T4 of the LP. Together and amongst other things, these policies broadly seek adequate parking and safe and efficient vehicular access, and development that would have no significant adverse transport impacts and that would not increase road danger.

Other Matters

29. The proposal would make efficient and effective use of the site to deliver an additional family-sized dwelling. In this regard, it would reflect the objectives of Policy GG4 of the LP and Policy H1 of the LPP1 which support the creation of new housing to support local need, as well as the Framework which seeks to significantly boost the supply of housing. However, the extent of the benefit and the contribution made to the supply of housing overall would be limited by the modest scale of the proposal. Moreover, I have found that the development would not offer future occupiers a suitable standard of privacy which tempers the weight that I give to the benefit of the additional dwelling.
30. Conversely, I have found that there would be harm to the character and appearance of the area and to the living conditions of neighbouring and future occupiers resulting in conflict with the development plan. Although the harm to the character and appearance of the area would be modest, these matters attract significant weight, and taken together, I find that they would outweigh the modest benefits of the proposal.
31. I note the appellant's comments expressing frustration at the Council's handling of the application including delays in the process and that offers to discuss the scheme were not taken up. However, this is not a factor which alters my consideration of the planning merits of the proposal. I have also had regard to comments made by interested parties, but none of the other matters raised alter my conclusions on the main issues.

Conclusion

32. Although I have found that the proposal would not cause unacceptable harm to highway or pedestrian safety and the development would make adequate provision to meet requirements for accessible housing, this does not outweigh

the harm that would be caused to the character and appearance of the area and to the living conditions of future and neighbouring occupiers. The proposal would conflict with the development plan when it is read as a whole and material considerations do not indicate that a decision contrary to the development plan should be reached.

33. I therefore conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR