
Appeal Decision

Site visit made on 16 August 2022

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2022

Appeal Ref: APP/R5510/W/22/3300359

67 Bishops Road, Hillingdon, Hayes UB3 2TF

- 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 Vipul Patel against the decision of London Borough of Hillingdon.
 - The application Ref 51120/APP/2022/1020, dated 25 March 2022, was refused by notice dated 20 May 2022.
 - The development proposed is the demolition of garage and erection of a detached 2 storey 1 bed 2 person dwellinghouse with associated amenity spaces, vehicular parking and new crossover, bicycle and bin stores on land adjacent to 67 Bishops Road.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Main Issues and Preliminary Matters

3. The description detailed in the banner above is taken from the application form, I have removed reference to the earlier planning application in the interests of clarity and because it is not development.
4. The appeal scheme includes a substantial balcony at the first-floor level to the rear of the property adjacent to the gardens of the neighbouring properties. Therefore, while not referred to in the Decision Notice is nonetheless relevant to the determination of this appeal.
5. In determining appeals, the Secretary of State may deal with the application as if it had been made to him in the first instance and is obliged to consider the current situation and have regard to the development plan and to all other material considerations.
6. Therefore, the main issues are the effect of the proposed development on Highway Safety with particular regards to parking and on the living conditions of the occupiers of neighbouring properties with particular regards to privacy.

Reasons

Highway Safety

7. The appeal scheme would replace the existing garage at 67 Bishops Road with a new 1 bed dwelling. Consequently, as shown on the submitted plans, 1 carparking space is lost and 1 car and three motorcycle spaces are shown as being created in total with two motorcycle spaces being associated to the proposed dwelling.
8. I saw at the site visit that the area around the appeal site is not subject to any on street parking controls, although I did see some double yellow lines in places. At the time of the site visit there appeared to be surplus capacity of on-street car parking, though it is noted that the site visit was undertaken during the afternoon of a typical week day and that demand for car parking may be higher in the evening.
9. I note that the council details that the site has a PTAL rating of 1b, a low score. Policy DMT6 relates to the provision of parking in new development and refers to parking standards set out in Appendix C Table 1. I have not been provided with a copy of this table but I understand that as referred to in the officers report "the Council's standards require two spaces to be provided for car parking". Furthermore, it is asserted in the officer's report that motorcycle parking is accepted in addition not in lieu to car parking provision. I cannot substantiate this statement with regards the Local Plan Policies before me.
10. Furthermore, Policy DMT6 specifically allows a variance from the requirements where it would "not lead to a deleterious impact on street parking provision, congestion or local amenity".
11. I have no substantive evidence to show that there is no capacity to absorb the very limited potential increase in demand for on street car parking resulting from the proposed development and even if there were an increase in on-street parking, I have no evidence before me to show that would result in indiscriminate on-street parking to the detriment of highway safety.
12. I accept that one consequence of placing reliance upon on-street car parking is that existing and future residents of the area would to some extent be inconvenienced by an increased competition for the available spaces. This would manifest itself in terms of taking longer to find a parking space, or residents having to park further away from their homes. Whilst I acknowledge that this would be an inconvenience to local residents, I do not find that this would amount to an unacceptable impact on their living conditions.
13. Policy T6 f) of the London Plan, the adoption of which postdates the DMP, details that "each motorcycle parking space should count towards the maximum for car parking spaces".
14. I note that the appeal site and a similar appeal scheme has previously been subject of an appeal¹ and I have had due regard to this decision. The adoption of the new London Plan has taken place since the determination of that appeal and thus is a material change in circumstances, in particular with regard policy T6 part f.

¹ APP/R5510/W/21/3283577

15. On the basis of the evidence before me I am satisfied that the proposed development would not harm highway safety with particular regards to parking and is not therefore contrary to Policies DMT 2, that refers to highway safety, and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (DMP) and Policies T6 and T4, that refers to highway safety, of the London Plan.

Living Conditions

16. The submitted plans show a substantial balcony to the first floor at the rear of the property. The use of this balcony by future occupiers of the proposed dwelling would allow overlooking of the neighbouring properties from a higher level and thus result in a significant loss of privacy for the occupiers of neighbouring properties. I note that the space provided by the balcony contributes to the overall provision of outside space of the appeal scheme.
17. With regards the earlier appeal, the Inspector in that instance was satisfied that the loss of privacy could be adequately mitigated by an appropriately worded condition and I have had due regard to this when reaching my decision.
18. Planning Practice Guidance² details that "if a detail in a proposed development, or the lack of it, is unacceptable in planning terms the best course of action will often be for the applicant to be invited to revise the application". Furthermore, that a condition may require a "minor modification to the development permitted" but that "It would not be appropriate to modify the development in a way that makes it substantially different from that set out in the application". It does not appear that the balcony has been revised from the previously submitted application and appeal.
19. I have given careful consideration to the use of a suitably worded condition, and in particular the condition proposed by the appellant when contacted regarding the issue of conditions, but on the basis of the evidence before me I am not satisfied that the privacy of the occupiers of neighbouring properties could be adequately protected by screening while still retaining the use of the balcony as outside space for future occupiers. Furthermore, an alteration introducing substantial screening or some other solution may not, in my planning judgement, be a minor modification to the appeal scheme.
20. I therefore find that the appeal scheme would result in an unacceptable impact of the living conditions of the occupiers of the neighbouring properties, with particular regards to privacy. Thus, the appeal scheme is contrary to the relevant provisions of policies DMHB11 and DMHB18 of the Hillingdon Local Plan Part 2 – Development Management Policies (2020), which amongst other matters seek to ensure that developments complement or improve the amenity and character of an area, that development provides or maintains sufficient external amenity space, and protects the amenity of neighbours.

Conclusion and Planning Balance

21. I have not found harm in respect of highway safety and the appeal scheme would create an additional dwelling in an existing urban area with access to

² Paragraph: 012 Reference ID: 21a-012-20140306

existing services and facilities, these are matters that weigh in favour of the appeal scheme and I afford them some weight but do not outweigh the harm I have identified to the living conditions of the occupiers of the neighbouring properties.

22. For the reasons given I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR