



Appeal Decision

Site visit made on 4 November 2022

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 7 December 2022

Appeal A Ref: APP/M5450/W/22/3291935

70 Uxbridge Road, Stanmore, Middlesex HA7 3NQ

- 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 Rajan Patel against the decision of London Borough of Harrow Council.
 - The application Ref P/2585/21, dated 20 June 2021, was refused by notice dated 23 February 2022.
 - The proposal is for demolition of existing dwelling and outbuildings and erection of new building housing 1 replacement dwelling and 7 new dwellings across ground, first and roof level with associated bins and cycle store
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Appeal B Ref: APP/M5450/W/22/3299939

70 Uxbridge Road, Stanmore, Middlesex HA7 3NQ

- 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 Rajan Patel against the decision of London Borough of Harrow Council.
- The application Ref P/0337/22, dated 2 February 2022, was refused by notice dated 31 May 2022.
- The proposal is for demolition of existing dwelling and outbuildings and erection of new building housing 1 replacement dwelling and 7 new dwellings across ground, first and roof level with associated bins and cycle store

Decision

1. Appeal A and Appeal B are allowed and planning permission is granted for demolition of existing dwelling and outbuildings and erection of new building housing 1 replacement dwelling and 7 new dwellings across ground, first and roof level with associated bins and cycle store as per Reference no. P/2585/21 dated 20 June 2021 and Ref no. P/0337/22 dated 2 February 2022 subject to the conditions set out in the schedule below.

Procedural Matter

2. The description of development used by the Council in both of these applications differs from that on the original application forms. The Appellant has used this original description upon their appeal forms and as such I also use the same description above which I feel better describes the proposed development.

3. Both of these appeals relate to very similar issues with regards the reasons for refusal, the only principal difference being the submission within Appeal B of further information concerning the provision of disabled parking local to the appeal site in an attempt to address concerns raised through the initial refusal of planning permission as contained within Appeal A. As such and the cases before me are very similar in scope and nature and as such I have determined these two appeals together accordingly.

Main Issues

4. The main issue is the impact of the proposed development not providing on site disabled parking facilities.

Reasons

5. The appeal site concerned with both of these appeals is currently a corner plot occupied by a relatively attractive and low scale Arts and Crafts style dormer bungalow property immediately adjacent to the Clamp Hill, Uxbridge Road roundabout. As a result of this location the appeal site has no on site vehicular access. The existing property has been recognised by the Council as having some architectural merit but has not been identified as a Non Designated Heritage Asset and the principle, design and amount of development upon the site is fully supported by the Council.
6. The proposal before me seeks to demolish the existing cottage and construct a three storey gable fronted property in a loosely Mock Tudor architectural style consisting of three gables fronting onto Uxbridge Road with garden to the rear and a main door to the side elevation facing towards Clamp Hill. The proposal would replace the existing dwelling as well as provide seven more flats within the redevelopment.
7. As mentioned above the property would not contain any on site vehicular parking due to it being unsafe for vehicular access to be achieved into the site. However, the site would be within a Public Transport Accessibility Level (PTAL) 2 location which would typically represent a low level of public transport accessibility. Despite this the site is located within a two minute walk to well serviced bus routes and there is unrestricted on street parking nearby.
8. Policy T6.1 of The London Plan (2021) places considerable emphasis upon the need to consider car free or car minimal development for future residential schemes within the Greater London plan area. The policy also goes on to suggest that disabled parking need only generally be provided for new residential developments over ten units.
9. This development would not meet the ten unit threshold and, due to the particular constraints of the site it would be unable to provide safe and efficient access into the site for any such parking provision. As such the proposal fails to provide such a parking facility for less able residents. Judging by the Appellant's evidence however, along with my own observations on site, there would potentially be an opportunity for disabled persons to park within a reasonable proximity to the site should they so wish to do so. Moreover, it appears that such provision of marked disabled bays could be accommodated within the public highway within a reasonable distance of the site and the Council's Highways Officer has confirmed this potential.

10. In assessing these appeals, although I consider that disabled bays could physically be located within the nearby streets, this does not guarantee that such spaces would be used by those disabled residents occupying the scheme. Nevertheless, I also have evidence before me that should a person apply for disabled parking bay to be provided the Council would advise the applicant of the nearest location with which they could provide such a space. In light of this it seems to me therefore that the safeguards of ensuring such spaces are useable and realistic for the future inhabitants of this scheme are in place, as is the physical space nearby in which to locate such spaces.
11. Moreover, in light of the presence of local shops and amenity spaces, along with the accessibility of the proposed ground flats and local transport links it appears that the proposal would exhibit several benefits for sustainable development here that would be beneficial to those less able to travel far. The sustainable merits of this proposal would also include the densification of this site and provision of seven more dwellings within a sustainable location that would add notably to the Borough's housing supply.
12. I subsequently give great weight to the increase in housing here that would help sustain the local centre nearby as well as help to provide extra housing within the Borough that would be located within a sustainable location. In light of this I consider that the provision of disabled parking could reasonably be provided nearby and that the schemes overall would comply with Policies CS.1 of the Harrow Core Strategy (2012), T6.1 of The London Plan (2021) and DM1 of the Harrow Development Management Plan (2013).

Conditions

13. I have included all the policies suggested by the Council in their appeal statements as they all meet the tests as set out in the Planning Practice Guidance and should be followed accordingly.

Conclusion

14. For the reasons above, taking into account all other matters raised, I allow both Appeal A and Appeal B subject to the conditions outlined below.

A Graham

INSPECTOR

Schedule of Conditions

1. Timing

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2. Approved Plans and Documents

The development hereby permitted shall be carried out in accordance with the following documents and plans:

UR70-AP2-101 Rev.1st, UR70-AP2-102 Rev.1st, UR70-AP2-103 Rev.1st, UR70-AP2-104 Rev.A, UR70-AP2-111 Rev.1st, UR70-AP2-105 Rev.G, UR70-AP2-106 Rev.A, UR70-AP2-107 Rev.D, UR70-AP2-108 Rev.D, UR70-AP2-109 Rev.D, UR70-AP2-110 Rev.C, E0821-T, Design and Access Statement (September 2021), Flood Risk Assessment (15th June 2021), Fire Statement (December 2021), Parking Survey (June 2021), Illustrative Drawings x5, 3D Image, Arboricultural Report (28th September 2021)

3. Construction Logistics Plan

No development shall take place, including any works of demolition, until a Detailed Construction Logistics Plan has been submitted to, and approved in writing by, the local planning authority in accordance with the format and guidance provided by Transport for London – www.tfl.gov.uk. The Detailed Construction Logistics Plan shall provide for:

- a) Parking of vehicles of site operatives/visitors;
- b) HGV access to site – loading and unloading of plant and materials;
- c) Number of HGV's anticipated;
- d) Storage of plant and materials used in constructing the development;
- e) Programme of work and phasing;
- f) Site layout plan;
- g) Highway condition (before, during, after);
- h) Measures to control dust and dirt during construction;
- i) A scheme for recycling/disposing of waste resulting from demolition and construction works; and
- j) details showing the frontage/ the boundary of the site enclosed by site hording to a minimum height of 2 metres.

The development shall be carried out in accordance with the approved Detailed Construction Logistics Plan, or any amendment or variation to it as may be agreed in writing by the local planning authority.

4. Levels

No site works or development shall commence until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s), and any other changes proposed in the levels of the site, have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained.

5. Disposal of Surface Water/Surface Water Attenuation

The development hereby permitted shall not commence until works for the disposal of surface water and surface water attenuation and storage works have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

6. Disposal of Sewage

The development hereby permitted shall not commence (other than works of demolition) until works for the disposal of sewage have been provided on site in accordance with details to be submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with these approved details and shall thereafter be retained.

7. Cycle Storage

Notwithstanding the details hereby approved, prior to commencement of development, revised details of shelters, racks, dimensions and location of the

cycle parking spaces shall be submitted to and approved in writing by the local planning authority. The cycle storage shall be made available prior to occupation and shall be retained thereafter.

8. Waste Management Strategy

The development hereby permitted shall not commence until details of a waste management plan have been submitted to and approved in writing by the Local Planning Authority. The waste management plan shall be carried out in accordance with the approved details.

9. Materials

Notwithstanding the details shown on the approved drawings, prior to commencement of the development beyond damp proof course level samples of the materials to be used in the construction of the external surfaces noted below shall be made available to view on site, and agreed in writing by, the local planning authority:

1. facing materials for the building, including brickwork and spandrel detail; windows/ doors;

2. boundary fencing including all pedestrian/ access gates;

The development shall be carried out in accordance with the details so agreed and shall be retained as such thereafter.

10. Details of windows and doors

Notwithstanding the details shown on the approved drawings, prior to commencement of the development hereby permitted beyond damp proof course level, details of the following shall be submitted to and approved in writing by the Local Planning Authority:

i) detailed sections at metric scale 1:20 through all external reveals of the windows and doors on each of the elevations;

ii) sections and elevations of the parapet detail and roofline of the proposed building.

The development shall be completed in accordance with the approved details and shall thereafter be retained.

11. Landscaping

The development hereby approved shall not be occupied until a scheme for the hard and soft landscaping details for the ground level areas have been submitted to, and agreed in writing by, the local planning authority. Soft landscaping works shall include: planting plans (at a scale not less than 1:100), written specification of planting and cultivation works to be undertaken and schedules of plants, noting species, plant sizes and proposed numbers / densities and an implementation programme. Tree planting along the boundaries adjacent to the car park and screening around carparking area with hedge planting. Screening of the bin stores with soft landscaping. The hard surfacing details shall include details of all furniture, boundary treatment, samples to show the texture and colour of the materials to be used and information about their sourcing/manufacturer.

The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

12. Landscaping Implementation

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building, or the completion of the development, whichever is the sooner. Any existing or new trees or shrubs which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season, with others of a similar size and species, unless the local authority agrees any variation in writing.

13. Landscaping Management Plan

Notwithstanding the details requested above in condition 11, a Landscape Management Plan and Landscape Maintenance plan including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, including the communal hard and soft landscape areas shall be submitted and approved by the local planning authority. The long term Landscape Management Plan for the whole of the proposed development will ensure the future success of the development, including the long term aims and objectives for all the external areas.

The development shall be carried out in accordance with the scheme so agreed and shall be retained as such thereafter.

14. Biodiversity Enhancement

The development hereby permitted shall not commence above damp proof course level until full details of biological enhancements for the site have been submitted to, and agreed in writing by, the local planning authority. The enhancements shall include;

- the type and location of bat and bird boxes to be built into the structure
- full details of measures to be taken to provide shelter and foraging for invertebrate species at ground level, in the external building walls, and within the green walls and green roof areas.

15. Refuse storage

Prior to occupation of the development, details of the refuse storage bins shall be submitted and approved in writing by the Local Planning Authority. The refuse bins shall be stored at all times, other than on collection days, in the designated refuse storage area, as shown on the approved drawing plans.

16. Satellite Dishes

Prior to the first occupation of the development, details of a strategy for the provision of communal facilities for television reception (eg. aerials, dishes and other such equipment) shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the specific size and location of all equipment. The approved details shall be implemented prior to the first occupation of the relevant phase and shall be retained thereafter. No other television reception equipment shall be introduced onto the walls or the roof of the building without the prior written approval of the Local Planning Authority.

17. Permeable Paving

Before the hard surfacing hereby permitted is brought into use the surfacing shall EITHER be constructed from porous materials, for example, gravel, permeable block paving or porous asphalt, OR provision shall be made to direct run-off water from the hard surfacing to a permeable or porous area or surface within the curtilage of the site.

18. Change of Use (flats)

The flats hereby permitted shall be used for Class C3 dwellinghouse(s) only and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development within Schedule 2, Part 3, Class L shall take place.

19. Secure by Design

Evidence of certification of Secure by Design Accreditation for the development shall be submitted to and approved in writing by the Local Planning Authority before any part of the development is occupied or used.

20. Accessible Units

The development hereby permitted shall be constructed to the specifications of: "Part M, M4(2), Category 2: Accessible and Adaptable Dwellings" of the Building Regulations 2013 and thereafter retained in that form.

21. Site Hoardings

Site works in connection with the development hereby permitted shall not commence before the boundary of the site is enclosed by a close boarded or other security fence to a minimum height of 2 metres. Such fencing shall remain until works and clearance have been completed, and the development is ready for occupation.

End of Schedule