



Appeal Decision

Site visit made on 9 May 2023

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 May 2023

Appeal Ref: APP/R5510/W/22/3309253

9 Micawber Avenue, Hillingdon, Uxbridge UB8 3NY

- 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 S Hawgood against the decision of the London Borough of Hillingdon.
 - The application Ref 77189/APP/2022/1090, dated 30 March 2022, was refused by notice dated 14 September 2022.
 - The development proposed is the erection of detached bungalow following demolition of existing garages.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within an established residential area characterised by primarily single storey detached dwellings, some of which have accommodation within the roof space, with long narrow rear gardens. The properties in Micawber Avenue and Copperfield Avenue, contribute towards a definitive layout for this part of the estate, with the dwellings being arranged in parallel rows, and with a significant distance between them. The intervening space contains a limited number of single storey outbuildings and landscape features, but for the most part has a feeling of spaciousness.
4. The appeal site is to the rear of 9 Micawber Avenue. At the time of my visit part of the site was occupied by buildings used for the storage and maintenance of motor vehicles belonging to the appellant, with the remainder comprising a hard surfaced forecourt. Access to the site is along a long narrow drive with an open aspect to the rear garden of the bungalow at No 9.
5. The main parties agree that the appeal site constitutes brownfield/previously developed land. Whilst I am not entirely convinced that the site accords with the definition of 'Previously developed land' as stated in the Glossary to the National Planning Policy Framework (the Framework) I have adopted that position for the purpose of this appeal.
6. Paragraph 120 c) of the Framework requires substantial weight to be given to using suitable brownfield land within settlements for homes and other identified needs. That said, paragraph 130 also requires developments to function well,

add to the overall quality of the area, and be visually attractive and sympathetic to local character. I accept that there is a tension between these requirements.

7. With that in mind, I note that Policy DMH 6 of the London Borough of Hillingdon Local Plan: Part Two – Development Management Policies (2020) (LLP2) provides a general presumption against the loss of gardens in order to maintain local character, amenity space and biodiversity. However, in exceptional cases, it allows a limited amount of backland development subject to criteria relating to amenity, access, scale and mass and landscaping/biodiversity.
8. Taking these matters into account, I find that the proposed development would result in the introduction of a dwelling on a plot considerably smaller than the dwellings in the immediate vicinity, and there would be a corresponding impact on the grain of development found locally. Furthermore, it would be constrained by tightly drawn boundaries comprising of high fences. Consequently, it would appear cramped on the plot and be out of keeping with the more spacious qualities found in other properties in the area.
9. Whilst the proposed development would not be in an isolated location it would, due to its scale and mass, be clearly visible over the fences and hedges that enclose rear gardens. As a result, it would introduce a building that would appear incongruous and prominent, at odds with the relatively unfettered gardens of the neighbouring properties. This would erode the spacious qualities currently found in the area.
10. I have taken into account the existing buildings that currently occupy the site. Whilst acknowledging that they have a larger footprint than the proposed bungalow, they are relatively low in height and as a result do not appear as prominent features within the area. Consequently, I conclude that the visual impact on their surroundings is not of the same order as the building proposed.
11. Therefore, whilst recognising the benefit of developing previously developed land I find that it does not outweigh the significant harm to the character and appearance of the area that that would justify it being treated as an exemption to the general presumption against backland development.
12. Accordingly, I conclude that the proposal would harm the character and appearance of the area. Consequently, it would be contrary to Policy BE1 of the A Vision for 2026 Local Plan: Part One – Strategic Policies (2012), Policies DMH 6, DMHB 11 and DMHB 12 of the LLP2 and Policies D1, D3 and D6 of the London Plan (2021). It would also conflict with paragraphs 71, 124 and 130 of the Framework. These policies jointly, amongst other matters, seek high quality developments that respond positively to the area within which they would be located.

Other Matters

13. The Council indicate that the proposed development would not cause significant harm to the amenity of neighbouring residents, by reason of loss of light privacy or outlook. From what I have seen and read I am in agreement with their assessment on these matters. However, these are neutral matters and do not weigh in favour of the proposed development.
14. I also note that no objections have been raised to the proposal by the Borough's Highway and Traffic Officer, subject to conditions relating to the

provision of an electric vehicle charging point and the submission of a Construction Management Plan. If I were minded to allow the appeal, it would not be unreasonable to include these requirements.

15. Whilst there would be an opportunity to provide soft landscaping within the site, given the layout proposed and the restricted space available, the scope of these works is likely to be limited. Moreover, I have no scheme before me to fully assess whether this would help mitigate the impact of the development. Therefore, I give this matter only limited weight.

Conclusion

16. There are no other relevant material considerations worthy of sufficient weight that indicate the application should be determined other than in accordance with the development plan as a whole. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR