



Appeal Decisions

Site visit made on 10 May 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2023

Appeal Ref: APP/R5510/W/22/3310199

379 Sipson Road, Hillingdon, West Drayton UB7 0HU

- 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 Mr Rickey Gill against London Borough of Hillingdon.
 - The application Ref 73444/APP/2022/1747, is dated 27 May 2022.
 - The development proposed is Division of the rear garden at 379 Sipson Road to create a new dwelling house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council failed to determine the proposal within the extended timeframe that was agreed between the parties. The appellant has therefore progressed the scheme via the appeal process. Had the Council determined the proposal, they have provided reasons why it should be refused planning permission. I have proceeded on this basis.
3. The appellant has submitted an award of costs application with the appeal. This is determined under separate cover.

Main Issues

4. The main issues are:
 - The impact of the proposal on the character and appearance of the local area;
 - Whether or not the proposal would lead to an adverse effect upon the living conditions of neighbouring occupants by way of noise and disturbance; and
 - Whether or not the proposal would have an adverse impact upon the future occupants of the development with regards to private external space and accessibility to the site.

Reasons

Character and appearance

5. The appeal site is the private garden associated with 379 Sipson Road that contains outbuildings ancillary to the main dwelling. The existing dwelling together with adjacent houses fronts the main road with a linear rear garden extending to meet open land behind. Adjacent to the dwelling and between

other houses is an unmade lane used for both pedestrian and vehicular access to houses along Sipson Road. Whilst houses in the main face Sipson Road here, at the end of the unmade access lane, and to the north of the appeal site, a short row of terraced houses is positioned parallel to the open land. Their front elevations face directly onto it.

6. The proposal is intended to position a two-bed dwelling in the garden area that follows the same build line of the adjacent back-land terrace. However, by contrast, the design would not follow the design characteristics, scale and massing of the houses along this terrace, or the host dwelling. As an uncharacteristic dwelling type when compared to the more regular two storey houses, it would appear as a squat dormer bungalow with low eaves level and unusual roof configuration. This would not harmonise with the vernacular that is typical to the immediate locality.
7. In addition, there are no other back land houses to this side of the unmade lane, and as a stand-alone building would draw more attention to itself in a context that would fail to respond positively to the existing characteristics of local housing. It would thus appear incongruous and detrimental to the character and appearance of the local area.
8. Therefore, to conclude on this main issue, by virtue of the design of the proposed dwelling in this location, would appear visually intrusive and harmful to the character and appearance of the local area. On this basis it would be contrary to the design aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) and Policies DMH6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020). In addition, it would fail to accord with the broad design and character objectives of Policies D1, D3, D4 and H2 of the London Plan (2021) and the National Planning Policy Framework (2021) that seeks to achieve well designed places. However, I find no direct relevance to Policy H1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012) as this focuses on housing growth.

Living conditions – existing neighbours

9. The unmade lane currently supports vehicular parking in an informal arrangement to either side. Even though it is relatively narrow, from what I viewed on site, and to my mind, a level of noise and disturbance associated with this activity occurs. It would be experienced by those living close to the lane. I also note there appears to be no control over this type of parking from occurring.
10. Parking bays for two vehicles as part of the scheme would be laid out in a formal parallel parking arrangement. A new dwelling here would inevitably generate some noise and disturbance from comings and goings associated with vehicles and pedestrians. However, given what I viewed on site, I do not consider the proposal would result in an intensification that would cause undue noise and disturbance to local residents.
11. Therefore, to conclude on this main issue, the proposal would not lead to a detrimental impact on the living conditions of neighbouring occupants and therefore the proposal would accord with the broad safeguarding amenity aims of Policies DMH 6, DMHB 11 and Policy EM8 of the Hillingdon Local Plan 2020 only in so far as noise protection. The same safeguarding aims of Policy D14 of

the London Plan 2021 would also apply. However, I find no direct relevance to policy DMH 5 as it relates to houses in multiple occupation.

Living conditions - future occupants

12. In terms of the external space that would surround the new dwelling, this is identified by the Council to be around 53sq m which would not meet the prescribed policy standard of approximately 60sq m for a two bedroom dwelling. Therefore, as spacing standards would not be met by a reasonable amount, this would be to the detriment of the living conditions of the future occupants.
13. Accessibility of the site forms part of the Council's reason for refusal. I could see that the terrace facing the open land has a path that leads in front of the main elevation to a main road and encourages pedestrians along that route. In contrast, a dwelling here would rely solely on pedestrian and vehicular access from the unmade lane that is not adopted highway land, not in control of the appellant and is of poor quality in terms of its finished surface. Visitors and deliveries would be required to navigate the unmade lane. The Council comments with regard to pedestrian conflict with vehicles, made more severe as there is no pedestrian segregation here.
14. To my mind, these concerns relate to highway and pedestrian safety rather than the effect upon future occupant's living conditions. They would be aware of the access arrangements prior to living at the property.
15. In any case, to conclude on this main issue, the proposal would fail to safeguard the living conditions of future occupiers with regards to insufficient private external space, in direct conflict with the amenity principles of Policies DMH 6, and housing standard Policy DMHB 16 of the Hillingdon Local Plan. It would conflict with the broad aims of the National Planning Policy Framework 2021 to protect residential amenity and outdoor space standards of Policy D6 of the London Plan 2021. However, I find no direct conflict with either Policy DMH 5 as this relates to houses in multiple occupation, or Policy DMHB 11 as this does not refer to living conditions.

Other Matters

16. The dwelling has been designed with a lifetime homes criteria in mind and intentionally with an open plan layout. Despite the flexibility it could afford, it does not lead me to conclude positively on the proposal.

Balance and Conclusion

17. I have found in favour of the proposal in terms of its impact on the living conditions of local residents. However, I have found harm arising from the development in areas pertaining to its incongruous design and its proposed effect upon the living conditions of the future occupiers. On these grounds alone, it must fail.
18. Therefore, to conclude, the proposal would conflict with the development plan when taken as a whole and there are no other considerations that outweigh this conflict. For the reasons given above, the appeal is dismissed and planning permission is refused.

Alison Scott

INSPECTOR

