



Appeal Decision

Site visit made on 16 August 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2023

Appeal Ref: APP/R5510/W/22/3312092

Land at rear of 44 and 45 Zealand Avenue, West Drayton UB7 0BW

- 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 and Mrs Hughes against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76673/APP/2021/3132, dated 12 August 2021, was refused by notice dated 22 July 2022.
 - The development proposed is the erection of 2no. bungalows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of the occupiers of 44 and 45 Zealand Avenue in respect of noise and disturbance;
 - whether the proposed development would provide acceptable living conditions for future occupiers in respect of internal space; and
 - the effect of the proposal on highway safety with particular regard to car parking provision at the site.

Reasons

Character and appearance

3. Despite some variation in materials and architectural detailing, the area is characterised primarily by two-storey semi-detached properties set towards the front of deep plots at generally similar distances from the highway to the front and having similar separation distances between pairs. Low walls are the predominant boundary treatments to short front gardens, many of which are given over to car parking, and this gives an open feeling to this long cul-de-sac and allows a clear appreciation from public vantage points of the regularity of the layout of the dwellings. The subdivision of some of the dwellings into flats, including those referred to by the appellants, has not significantly altered the generally open and uniform character and appearance of Zealand Avenue.
4. The proposed bungalows would be located behind 44 and 45 Zealand Avenue on land that, notwithstanding the fenced-in small rear garden areas I observed

as serving those properties, appears to have originally formed the rear gardens of those dwellings. The access drive serving Nos 44 and 45 would be extended past the existing dwellings and their rear gardens as proposed to be modified, to provide pedestrian and vehicular access to the proposed bungalows. This would create a form of tandem backland development comprising dwellings that do not have their own road frontage, and this would be uncharacteristic of housing in the immediate vicinity.

5. While many of the dwellings along Zealand Avenue have detached garages, sheds and outbuildings alongside them or in the rear gardens, those structures are subordinate in scale and function to the main dwellings and are seen as such in glimpsed views through the gaps between the dwellings. Although the proposed bungalows would be similar in height to some nearby outbuildings, their construction would be more robust and clearly identifiable as independent dwellings and their single storey nature would not diminish this impression. This would be particularly evident due to the marginally wider gap between the flank walls of Nos 44 and 45 than those existing between dwellings elsewhere along Zealand Avenue. The proposed bungalows would therefore appear harmfully incongruous within the immediate rear garden context and would fail to respect the predominant pattern of development in the vicinity which comprises road-fronting dwellings.
6. The appellants have drawn my attention to several examples of buildings behind dwellings. However, those that I observed along Zealand Avenue appeared to be domestic outbuildings rather than independent dwellings. The examples given in Pinglestone Close are some distance from the appeal site along a road that has a noticeably different character where several narrow access roads lead to rear parking courts and garages in the rear gardens of dwellings. The example at 1 Poplar Avenue¹ is a considerable distance from the appeal site, it has a wholly different context and comprises dwellings proposed at the end of a street rather than in a rear garden. The examples given by the appellants in respect of this main issue are not directly comparable to the case before me which, in any event, I have determined on its own planning merits. Moreover, the existence of other backland development in the wider area would not justify the harm I have identified to the character and appearance of the area.
7. The gardens proposed for the existing and proposed dwellings would be adequate in providing outdoor amenity space. However, they would be uncharacteristically small in the context of surrounding plot sizes on Zealand Avenue and this would be unduly harmful to the character of the area. The appellant refers to smaller gardens found on Pinglestone Close in support of their case. However, those gardens serve dwellings whose setting, and context is noticeably different to the appeal site and to Zealand Avenue more generally and are therefore not directly comparable to this proposal.
8. Paragraph 124 of the National Planning Policy Framework (the Framework) provides support to development that makes efficient use of land, and that would be the case here. However, the Framework qualifies this support by requiring consideration of the desirability of maintaining an area's prevailing character and setting (including residential gardens). The proposal would fail to

¹ Council Ref. 75125/APP/2019/3206

accord with these expectations when considering the well-established prevailing character of Zealand Avenue.

9. The proposed development would result in unacceptable harm to the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policy D3 of The London Plan (March 2021) (the London Plan), Policy BE1 of A Vision for 2026 Hillingdon Local Plan: Part 1 Strategic Policies (November 2012) and Policies DMH 6, DMHB 11 and DMHB 12 of the London Borough of Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) (the Local Plan) which in summary, amongst other things, create a presumption against the loss of gardens due to the need to maintain local character, require development to achieve a high quality of design which responds to and enhances local distinctiveness, make a positive contribution to the local area in terms of layout, form, scale and materials taking into account the surrounding scale of development, building lines, rooflines, setbacks and streetscape rhythm, be well integrated with the surrounding area and not result in the inappropriate development of gardens that would erode the character of suburban areas. The development would also conflict with paragraphs 124 and 130 of the Framework which support making effective use of land and achieving well-designed places.
10. Policy D1 of the London Plan sets out requirements for Councils to follow during plan-making. As such, it does not provide criteria directly relevant to the determination of proposals in respect of this main issue.

Living conditions of neighbours

11. Shared driveways are not uncommon in suburban environments, and they bring a degree of disturbance to the occupiers of dwellings where such arrangements exist, as is the case here. However, the activity associated with such arrangements is generally limited to the front public facing areas of the properties. The proposal would create a new vehicular and pedestrian access drive passing between Nos 44 and 45 and extending significantly along the length of their proposed rear gardens. The proximity of the access drive to those existing properties and their rear gardens, and the introduction of additional dwellings behind them would create a new and sensitive relationship between the occupiers of the existing dwellings and the future occupiers of the proposed dwellings.
12. Although the number of vehicle movements generated from a pair of two-bedroom bungalows would be relatively limited, the proposal would introduce a source of noise and disturbance which would be incongruous in this otherwise quiet rear garden environment. The introduction of activity in this location, particularly that associated with the comings and goings of future occupiers, visitors, and others delivering goods and services, where a generally undisturbed living environment could reasonably be expected, would result in unacceptably harmful noise and disturbance for neighbouring occupiers at Nos 44 and 45. This would include noise from car engines and car doors being closed, from pedestrians passing close by the existing dwellings and their rear gardens, and disturbance through glare from the headlights of vehicles using the drive and parking spaces in periods of darkness.
13. These effects could not all adequately be mitigated through the construction of fencing or landscaping. While excessive noise and nuisance may be controlled through other legislation, this does not negate the need to address noise and

disturbance that would arise from normal day-to-day activities at the proposed dwellings which, in this case, would lead to unacceptable harm to the neighbours' living conditions for the reasons I have given.

14. From the information provided, the appeal decision at 92A Dawley Road² appears to be for the conversion of an existing building to create a one-bedroom studio flat accessed by an existing driveway and is therefore notably different to the proposal before me. While I have not seen the context of that location, which is some considerable distance from the appeal site, the level of activity that could be anticipated would be significantly less than that generated by the proposed bungalows, there appear to be few similarities between the schemes, and this example provided by the appellants is not directly comparable to the case before me which, in any event, I have determined on its own planning merits.
15. The proposed development would cause unacceptable harm to the living conditions of the occupiers of 44 and 45 Zealand Avenue in respect of noise and disturbance. Accordingly, there would be conflict with Policies DMH 6 and DMHB 11 of the Local Plan which in summary, amongst other things, require that development proposals should not adversely impact on the amenity of adjacent properties, and that vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. The proposal would also conflict with paragraph 130 f) of the Framework which requires decisions to ensure that developments create places with a high standard of amenity for existing users.

Living conditions of future occupiers

16. Requirements for the standard of internal living space within new homes are set out in Policy DMHB 16 and the associated Table 5.1 of the Local Plan. These are consistent with the Technical Housing Standards - Nationally Described Space Standard (2015) (NDSS). The minimum gross internal floor area required for each of the proposed bungalows would be 61 sq.m. and there is no dispute between the main parties that the proposal would fail to meet that minimum standard in respect of gross internal floor area.
17. The adequacy of the proposed bedroom sizes, the floor to ceiling heights, the creation of dual aspect dwellings, and the overprovision of internal and external storage space, including space for refuse, would not compensate for the failure to meet minimum gross internal space standards. Whilst the covered decking area would provide beneficial space for future occupiers, as would the reasonably sized garden, these would serve a different purpose as outdoor amenity space which is not necessarily available for use throughout the year and therefore cannot contribute towards meeting the minimum internal space standards.
18. The underlying purpose of Policy DMHB 16 is to provide homes which support occupiers' well-being, including by avoiding over-crowding and providing functional and adaptable accommodation to meet a range of occupier requirements. The space standards are expected to be met or exceeded in new dwellings. The NDSS has a similar function and is very clearly expressed as a minimum required floor area, against which the proposal would fall short by a

² Appeal Ref. APP/R5510/W/18/3216900

significant margin, and this would result in the creation of unacceptably harmful living conditions for future occupiers.

19. The proposed development would not provide acceptable living conditions for future occupiers in respect of internal space. Accordingly, the proposal would conflict with Policy D6 of the London Plan and Policy DMHB 16 of the Local Plan which require new dwellings to provide at least the minimum gross internal floor areas defined in the development plan and in the NDSS.

Highway safety

20. Adequate space would be available within the appeal site to allow for the provision of 1 safely accessible and functional car parking space to serve each of the existing and proposed dwellings. This would generally accord with development plan requirements and the Council has confirmed that, subject to the imposition of an appropriate planning condition, their concerns set out in their third reason for refusal could be overcome. I am satisfied that, notwithstanding the details provided on the plans, due to the space available, safe and adequate functional car parking provision could be secured by planning conditions that would meet the tests in paragraph 56 of the Framework, were the appeal to be allowed. Furthermore, there is sufficient space within the appeal site to accommodate cycle parking and storage.
21. For these reasons, I am satisfied that, subject to the imposition of, and compliance with, appropriate planning conditions, the proposal would not be harmful to highway safety with particular regard to car parking provision at the site. Accordingly, the proposal would comply with Policy T4 of the London Plan and Policies DMT 2 and DMT 6 of the Local Plan which require that development proposals should not increase road danger, and that safe accessibility from within developments should be maximised.

Other Matters

22. Representations raise concerns about the effects of the proposal on the living conditions of the occupiers of other properties in the vicinity of the site. However, this is not a matter that comprises a reason for refusal given by the Council, and I do not consider it necessary for me to examine those concerns any further here.

Planning Balance

23. Although the appeal site has a relatively low Transport for London Public Transport Accessibility Level rating, it is reasonably close to various services and facilities available in Harmondsworth. The appeal site is also relatively close to Heathrow airport and the appellants contend that this would make the proposed dwellings attractive to people employed in the travel industry. I attribute moderate weight to these benefits.
24. The appellants indicate that the proposed dwellings would be let to social housing tenants through the Council's private landlord scheme. I agree that this could provide a benefit in terms of meeting the needs of social renting tenants. However, I have not been provided with information regarding local housing needs by tenure, nor do I have an appropriate mechanism before me to secure future occupation of the proposed dwellings in the manner suggested were the appeal to be allowed. Accordingly, I attribute only modest weight to this benefit.

25. These benefits, alone or in combination, would not outweigh the significant harm I have identified in respect of the effect of the proposal on the character and appearance of the area and on the living conditions of existing and future residents. The proposal would therefore conflict with the development plan as a whole and there are no other material considerations, including the Framework, that indicate the decision should be made otherwise than in accordance with the development plan.

Conclusion

26. For the reasons given above, the appeal is dismissed.

David English

INSPECTOR