



Appeal Decision

Site visit made on 19 September 2023

by K Williams MTCP (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 November 2023

Appeal Ref: APP/R5510/W/23/3317992

17 Crescent Parade, Uxbridge Road, Hillingdon, Uxbridge UB10 0LG

- 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 Samuel Lehrman of Highgrade Properties Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 75416/APP/2022/1825, dated 31 May 2022, was refused by notice dated 29 September 2022.
- The development proposed was described as 'Erection of three staircases at the rear. Roof extensions and alterations to facilitate the provision of 8 dwellings. Reconfiguration of seven flats at first and second floor level. Provision of refuse, recycling and cycle storage at the rear.'

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the area, including the setting of the Hillingdon Village Conservation Area (the CA);
 - the effect on highway safety, with particular regard to the adequacy of parking provision;
 - the effect of the proposed development upon the living conditions of future occupiers, with particular regard to privacy; and
 - whether the proposed development would provide suitable access for pedestrians and cyclists.

Reasons

Character and appearance

3. The appeal site comprises a prominent and large red brick curved corner building. The building forms part of a commercial parade which fronts Uxbridge Road and Long Lane, with a variety of retail premises on the ground floor and residential use above. The curved section of building facing the junction is higher and has a mansard roof with dormer windows. The opposing wings are not of equal length but are of a similar design and appearance incorporating a simple pitched roof. The building also retains key architectural elements such as chimney stacks. Higher than surrounding 2 storey and 1.5 storey buildings nearby, the building is a focal point facing a wide and busy junction.

4. Set back from the main roads by Crescent Parade, this parking and access road leads to the rear of the building and serves the yard of the businesses and provides access to first floor properties. This area of land comprises a variety of parking areas, garages, outbuildings and access to other residential accommodation.
5. The appeal site is immediately adjacent to the CA. The CA has a large and irregular area, most of which is not evident from the appeal site. The significance as a designated heritage asset, as a whole, includes at its core its historic buildings which exhibit a high standard of architectural design and their relationship with the extensive open spaces and expansive tree coverage within it. A large area of woodland adjacent to the Uxbridge Road wing of the appeal site marks the beginning of the CA.
6. As such, the setting of the CA includes those areas in close proximity to it, including the appeal site, which are part of the surroundings in which the heritage asset is experienced. Whilst this excludes the wing along Long Lane views in and out of the CA incorporate the Uxbridge Road wing. Although two storeys in height the existing building here allows views of the impressive and mature tree canopies to be observed.
7. The proposed development seeks to extend the roof space along the length of the building to create additional 5 two-bed, and 3 one-bed residential units. To facilitate this the proposal would not maintain the height or pitch of the existing roof. It would convert the roof of both wings to a large steeply pitched mansard roof. Although the existing hierarchy between the wings and the central curved portion of the building would remain, it would detrimentally alter the simple pitch covering the central chimney stacks. Moreover it would appreciably increase the bulk and massing of the roof.
8. Numerous dormer windows on the front are proposed in the roof along the wings. It is appreciated that the window frames would be constructed from timber. However, although aligned and similar in design to the windows below, they are numerous and appear wider and bulkier than these. Their prominence and scale would be exacerbated by the use of different materials to the clay hanging tiles on the mansard. The dormer windows with the combined bulk and massing from the mansard alterations would make the building appear top heavy along its entire frontage.
9. The rear of the building is not without interest; however it is clear it has been significantly altered over time at the lower ground floor level. The contrasting brick stairwells would unsympathetically project from the tiled mansard roof. The overall rectangular form, whilst following other examples, would be larger than these and appear dominant, and would not relate well to the proposed design. Although they would be visible in glimpsed views outside of the site, visibility of the end stairwell on the Uxbridge Road wing, adjacent to the CA, would likely increase over winter once the trees have lost their leaves. Both would also be visible from nearby residential windows and gardens.
10. Overall the proposal would reorder a significant amount of the existing building. In particular it would transform the modest form and scale of the wings along Uxbridge Road and Long Lane increasing the scale and prominence to a harmful degree. The building's prominent roadside position within the overall street scene would mean that the changes to the front elevation of the building and their harmful effects would be highly visible and readily perceived when

viewed from the adjacent public routes. Although the character of the area is mixed, the increased scale would also cause it to jar with the low lying form of nearby buildings across both roads and junction. Furthermore, this would diminish the space which allows views of the woodland area within the CA.

11. In adversely altering the characteristic form and design of the building, and by raising the height of the ridge, the proposal would undermine the relationship between the building and the edge of the CA on Uxbridge Road, and in doing so, it would harm its significance. The harm that would be caused to the significance of the CA as a designated heritage asset would be localised and accordingly would be less than substantial. However, this harm must be weighed against the public benefits of the proposal.
12. In this regard, the proposal would provide 8 residential units of accommodation in an accessible location, and upgrades to existing accommodation, including energy efficiency. The small units proposed, including the split between 1-bedroom and 2-bedroom flats, would contribute to the mix of housing in the local area, and economic benefits through construction and occupation of the development alongside the payment of Community Infrastructure Levy. However, the public benefits accruing from the proposal are limited due to the number of proposed units and are not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found to the significance of the CA
13. In conclusion, the proposal would have a harmful effect on the character and appearance of the area, including the setting of the Hillingdon Village Conservation Area. It would be contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies November 2012 (HLP-P1) and Policies DMHB1, DMHB4, DMHB11, DMHB12 of the Hillingdon Local Plan: Part Two - Development Management Policies January 2020 (HLP-P2); and Policies D1, D3 and HC1 of the London Plan 2021 (the LP). Together and amongst other things, these policies seek development to be of a high quality and incorporate principles of good design; make a positive contribution to the local character and distinctiveness of the area; be well-integrated with the surrounding area and accessible; and conserve and enhance the historic environment and heritage assets. The proposal would also not fulfil the aims of paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to ensure good design.

Highway Safety

14. The site is a predominantly residential area which has a low Public Transport Accessibility Level (PTAL) rating of 2. The LP Policy T6 advises that for residential development in Outer London, with a PTAL of 2, comprising 1-2 bedrooms, a maximum of 0.75 parking spaces should be provided per dwelling.
15. No additional parking spaces are proposed. Consequently, the proposals would result in a shortfall of 6 car parking spaces. A parking survey has been submitted that was undertaken over two afternoons. The results demonstrated the availability of on-street capacity to address any potential parking shortfall.
16. During my site inspection, which took place during a weekday morning, I observed that on-street parking was busy, but I did not witness any localised parking problems, parking congestion or illegal parking within the site vicinity. Interested parties have suggested there is illicit parking, but I have no

evidence if that refers to the private area at the rear of the site, or the public highway. I acknowledge that this was only a snapshot during the day, and there may well be more on-street parking at other times, including during the evening and at weekends when more residents are likely to be home.

17. I consider this shortfall weighs against the proposal and acknowledge the Council's concerns about the robustness of the parking survey, which I share to a degree, as I do not consider that this represents peak parking hours when residents are likely to have returned home, and it is not clearly indicated if these sites are within 200m of the appeal site.
18. However, whilst the lack of parking could lead to material parking stress around the site and potentially unsafe parking on the highway, the Council's case is not supported by evidence of on-street parking pressures within the site vicinity. Furthermore, the Highway Authority has raised no objection, which is a matter of importance as they are responsible for the safety of users of the local highway network.
19. The appellant contends that there are no Controlled Parking Zones are in operation during the survey times or during the day, which is not disputed by the Council. The Council has suggested that there are no means to restrict residents obtaining parking permits. However, I consider that it has not been demonstrated this is required in this location. Having regard to the highly accessible location of the appeal site, close to facilities and services and bus routes together with the inclusion of 13 cycle parking storage spaces, there is a likelihood of some future occupiers of the appeal scheme using alternative modes of transport other than the car.
20. Although the proposal would create a parking shortfall, compared to the maximum standards provided by Policy T6 of the LP, for the reasons given above, I do not find that the proposals would harm highway safety. Consequently, the proposal would not conflict with DMT2 and DMT6 of the HLP-P2, or policies T4 and T6 of the LP, which combined seek to ensure suitable parking arrangements are made, which do not harm highway safety.
21. The proposal would also not conflict with paragraph 111 of the Framework, which states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Although referred to in the Council's decision reason for refusal, there would be no conflict with paragraph 109 of the Framework as this relates to lorry parking.

Living conditions

22. The external staircase (New Stairs 3) would cross a first floor flat bathroom window before turning 90 degrees to create a platform. This would be positioned centrally in front of an open plan kitchen and lounge window and lead up to the entrance to flats on the second floor.
23. Although users of the stairs would be able to see into the flat, the appellant has suggested that obscure glazing could be used. This would mitigate the loss of privacy to a degree and could be conditioned. The two front windows are a reasonable size and would provide the primary source of unrestricted outlook and natural light to the affected room. The arrangement is similar to other

apartments, and I have no evidence why such an arrangement is satisfactory in one context, but not the other.

24. I therefore conclude that the development would not harm the living conditions of occupiers of neighbouring flats with regard to overlooking and privacy. The proposed development would therefore accord with Policy DMHB 11 of the HLP-P2. Nor would there be conflict in this regard with paragraph 130 of the Framework which seeks to secure a high standard of amenity for futures users of development.

Access

25. The access to the rear of the site is located between buildings and structures and is relatively narrow. It leads to an open area. The surface of this area is concrete and uneven. There is no dedicated pedestrian walkways or cycle routes, and the proposal does not seek to address this. These aspects could make the area seem unsafe and would make it unattractive and inconvenient for some users. However, I observed that the newer development at the rear of the site has an access from the same point from the public highway and also does not have designated pedestrian or cycle access.
26. Activity within the garage and parking area would already be expected from people walking to their cars, garages and to the rear of retail units. The narrow width and surfacing of the area would mean that traffic speeds would likely be very low. It would not create a substantially different environment to that which already exists. As referred to above the highway authority have no objections to the proposal, and for the reasons given I do not consider that it would necessarily pose a safety risk to pedestrians or cyclists.
27. The proposed development would provide a suitable access for pedestrians and cyclists. Consequently it fulfils the requirements of DMHB11, DMHB 12 and DMT2 of the HLP-P2, and D3 and T4 of the LP. Together, they seek suitable standards of design and accessibility of new development which is safe for users. The proposal would not conflict with paragraph 130 of the Framework, where it seeks to create places which are safe and accessible.

Other Matters

28. I have no substantive evidence relating to the provision of housing in the borough or any specific need for one or two bed accommodation. Nevertheless, the proposal would align with the aims of the Framework to significantly boost the supply of homes and that small-scale developments can make an important contribution to meeting the housing requirements of the Council. Furthermore it would align with the aims of making more efficient use of previously developed land that is well related to local services. There would be economic and social benefits from the build and occupation of the dwellings, including the payment of Community Infrastructure Levy. The proposal would be energy efficient and would exceed the requirements of by Building Regulations. However, these benefits would be small given the scale of the development and I attach moderate weight to them for this reason.
29. Although I have found that the proposal would provide acceptable living conditions for occupiers and not cause unacceptable harm to highway or pedestrian safety, these are neutral matters which do not weigh in favour of the development.

30. Even if the Council were unable to demonstrate a five year supply of deliverable housing sites such that paragraph 11(d) of the Framework fell to be considered for this, or any other reason, the harm to the character and appearance of the area and to the setting of the CA would significantly and demonstrably outweigh the benefits of the limited increase in supply in housing that would result, and the other benefits outlined above. Therefore, the proposal would not benefit from the presumption in favour of sustainable development set out in Paragraph 11(d) of the Framework.

Conclusion

31. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh that conflict.

32. For the above reasons, I conclude that the appeal should be dismissed.

K Williams

INSPECTOR