



Appeal Decision

Site visit made on 4 December 2024

by Hannah Guest BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2024

Appeal Ref: APP/R5510/W/24/3343908

Land adjacent to 5 Albert Road/North Hyde Road, Albert Road, Hayes, London, UB3 4HR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mandeep Dhanoa against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 42985/APP/2023/2798.
 - The development proposed is two new build flats, each with associated amenity space and outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a set of amended plans dated May 2024, which seek to address the Council's reasons for refusal. The amended plans remove the proposed outbuildings to increase the amount of garden space and include additional landscaping features along the southern boundary of the site. These amendments would not fundamentally change the proposal and, given that they remove built form and add landscaping, the nature of the concerns of those who would normally have been consulted remain clear from the consultation on the original proposal. Given this, I do not consider that any party's interest would be prejudiced if I determine the appeal on the basis of the amended plans.
3. I note the Council's concern that the amended plans omit elements in the description of development. Had I been allowing the appeal; I would have sought agreement from the parties to change the description.
4. On 12 December 2024, a revised National Planning Policy Framework was published. Those parts most relevant to this appeal have not been significantly amended.

Main Issues

5. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal makes adequate provision to restrict residential car parking permits.

Reasons

Character and appearance

6. The appeal site is located at the junction of North Hyde Road with Station Road (hereon referred to as the principal junction) on the corner of North Hyde Road and Albert Road. To accommodate the movement of vehicles through the principal junction, the highways at this point are 3 to 4 lanes wide with pavements either side and pedestrian crossings, which include central refuges. The area is largely dominated by the highway junction, associated street furniture, and frequent movement of traffic.
7. There is a mixture of buildings and land uses in the area surrounding the principal junction, ranging from large commercial buildings to modest residential dwellings, as well as an open green space adjacent to Old Station Road. This makes the existing pattern of development and urban grain somewhat irregular.
8. The width of the highways serving the principal junction, together with the open green space, create a sense of spaciousness. However, notwithstanding this, the principal junction is contained on two corners by the built form of Asda and a row of commercial units with residential uses above, which provide a degree of enclosure.
9. The appeal site is a prominent site that, despite being set behind the entrance to Albert Road, appears on the ground as part of the principal road junction. In its current open form, it contributes to the sense of spaciousness and adds some greenery to the street scene. Nonetheless, although the appeal site provides a break in the built form, the spacious character of the area is more a result of the width of the highways serving the principal junction than the open nature of the appeal site.
10. The appeal site also allows for a visual connection between the similar houses on Albert Road and North Hyde Road, which are positioned so that their front and flank elevations align with one another. Given this, despite the varied scale and appearance of the buildings surrounding the junction, the appeal site very much relates to the adjacent residential houses along Albert Road and North Hyde Road. I note that the Inspector who determined the appeal for the previous scheme at the appeal site¹ had a similar view.
11. Notwithstanding this, I saw on site that, in its wider context, the appeal site appears as a bit of an anomaly, neither providing enclosure to the principal junction nor a usable and attractive open corner, like the open green space adjacent to Old Station Road. It also jars a little with the arrangement of the adjacent houses and is not typical of housing layouts in the surrounding area. Its open nature allows views of the close board fencing enclosing the rear garden of 5 Albert Road, as well as an electricity substation positioned adjacent to 24 North Hyde Road, which do not make a positive contribution to the street scene.
12. The proposal would reflect the other built-up corners that form part of the principal junction. Unlike the previous scheme², it would be of a similar scale and design to the neighbouring houses on Albert Road and North Hyde Road

¹ Application Ref: 42985/APP/2021/1990 and Appeal Ref: APP/R5510/W/21/3283412.

and would use materials to match. This would help to retain the relationship between the two rows of existing houses, despite the proposal interrupting the visual connection between 5 Albert Road and 24 North Hyde Road.

13. In views from across the junction, the proposal would follow the pattern of development along Albert Road and given its similarities with the neighbouring houses, it would not appear prominent, cramped, or incongruous.
14. Nevertheless, in views taken from along North Hyde Road when approaching the principal junction from the west, the proposal would appear uncomfortable. Despite being reduced in scale from the previous scheme³ and Flat B being set further back from the highway, the proposal would still project significantly past the building line of the houses on North Hyde Road.
15. I appreciate that this arrangement is not uncommon, and I saw on my visit that houses on corner plots in the surrounding area often extend past the building line of the houses positioned perpendicular to them. Thus, it should not always follow that a breach in the building line would result in harm to the character and appearance of the area. However, in this case, the extent of the projection would interrupt the building line and existing pattern of development to an appreciable degree. Despite the proposal's consistency with the neighbouring houses, its positioning in this regard, would make it appear awkward, contrived, and intrusive in the street scene when approaching the principal junction from the west.
16. It may be that the built form of the proposal would only occupy up to 25% of the appeal site. Nonetheless, in this case, it is the positioning of the built form that would harm the character and appearance of the area.
17. While the proposed landscaping along the site boundaries would make a positive contribution to the street scene by adding greenery, it would not fully address the harm arising from the proposal.
18. Accordingly, for the reasons above, the proposal would result in moderate harm to the character and appearance of the area overall. It would conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies (2012), Policies DMHB 11 and DMHB 12 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies (2020) and Policies D3, D4 and D6 of the London Plan (2021). These seek to ensure all new development is designed to the highest standards and is well integrated with the surrounding area by, among other things, taking into account the established street pattern and building lines. Also, that new development is designed to make a positive contribution to the local area in terms of its layout.

Parking permits

19. There is no conflict between the parties that a legal agreement is needed to ensure the proposal is car-free. As part of the appeal, the appellant has submitted a Unilateral Undertaking, which aims to prohibit any landowners of the appeal site or occupants of the proposal from applying to the Council for a parking permit.

20. Nevertheless, I am dismissing the appeal due to its harmful effect on the character and appearance of the area and securing the obligation would be at best a neutral matter. I therefore do not need to consider this issue further.

Other Matters

21. In terms of benefits, the proposal would provide two dwellings close to local services and facilities including public transport. While the provision of housing is a meaningful benefit, I note the Council can demonstrate a 5-year supply of deliverable housing sites. Two dwellings would therefore only make a limited contribution towards the Borough's housing supply.
22. The proposal would also have modest environmental, economic, and social benefits arising from the proposed landscaping, and the spending associated with the construction of the flats and their subsequent occupation.
23. It may be that, subject to appropriate conditions, the proposal would not result in any harm to the living conditions of future and neighbouring occupants. Nonetheless, an absence of harm in this regard, would neither justify or outweigh the harm I have identified to the character and appearance of the area.
24. I note that the appeal site is located within the Hayes Housing Zone. However, I have not been made aware of any relevant development plan policies specifically relating to this designation.

Conclusion

25. I have found that the proposal would result in a moderate level of harm to the character and appearance of the area. This harm would neither be outweighed nor addressed by the modest benefits resulting from the proposal. The proposal would therefore conflict with the development plan read as a whole.
26. Having had regard to all relevant material considerations, it has not been demonstrated that there are any of sufficient weight to indicate a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

Hannah Guest

INSPECTOR