



Appeal Decision

Site visit made on 14 January 2019

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2019

Appeal Ref: APP/R5510/W/18/3214928 70 Violet Avenue, Uxbridge UB8 3PT

- 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 Durim Tusha against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 73222/APP/2018/1022, dated 16 March 2018, was refused by notice dated 6 September 2018.
 - The development proposed is new build development housing 4 x residential flats (C3) with associated external works and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The above description of the proposal is taken from the application form and relates to the development as was originally proposed. Amended plans were submitted during the application process and the following amended description was included on the Council's decision notice:

'Erection of a three-storey building to include 1 x 1-bed , 1 x 2-bed and 1 x 3-bed self contained flats with associated amenity space'.

This description is also given on the appellant's appeal form and I consider this accurately reflects the proposal before me. I have therefore made my decision on the basis of this revised description.

3. The plans on which the council determined the planning application did not include a circulation lobby off a staircase within the Gross Internal Area (GIA) of the proposed two-bedroomed and one-bedroomed flats. The appellant has included revised plans as part of the appeal submission which now includes the circulation lobby within the GIA. As such the GIA has increased by 4 square metres on each of these units. Given the very minor nature of this amendment, I do not consider that any party would be prejudiced by me making an assessment of the proposals based on the revised plans submitted. Other than the minor amendment described, the proposed development is to all intents and purposes the same as that considered by the Council when they determined the application.
4. An updated version of the National Planning Policy Framework (2019) (the Framework) has been published during consideration of this appeal. However,

no additional consultation was required as the changes to the Framework were not relevant to any of the matters raised by the parties.

Main Issues

5. The main issues are:

- the effect of the proposal on the character and appearance of the area;
- whether the proposal would be acceptable in terms of highway safety with particular regard to provision of parking; and
- the effect of the proposal on the living conditions of the adjoining occupiers at Nos 68 and 70 Violet Avenue with particular regard to outlook and light.

Reasons

Character and appearance

6. The appeal site is currently occupied by a detached garage with hardstanding to the front and soft landscaping to the rear. The site sits within a tightly knit residential area characterised by mainly two-storey semi-detached dwellings and maisonettes. Properties share similar characteristics in terms of their scale, bulk and use of traditional materials and design features. The maisonettes at Nos 68 and 70 Violet Avenue adjoin the site to one side and the access to Colham Manor Primary School adjoins the other side boundary. There is an existing play area to the other side of the school access road.
7. The proposed building would be three storeys in height with a flat roof. The building would be accessed to the side and the main features to the front elevation would be full height windows, some of which would be set behind perforated brick features. The front elevation of the building would step back at second floor level to incorporate a terrace. Brickwork is proposed to elevations to correspond with materials used on neighbouring residential buildings. However, the top of the proposed three storey building would sit above the ridgeline of the pitched roof on the neighbouring maisonettes at Nos 68 and 70. The development would sit approximately 1.0 metre away from this neighbouring building. This close positioning would emphasise the additional height and contrasting design approach taken. The design features incorporated, including the flat roof, larger window proportions and terrace to the front elevation, would not appropriately respond to the style of existing residential properties in the immediate area which generally have traditional design features and pitched roof form. The expanse of brickwork on the development would further highlight the additional bulk and height created by the second floor. Consequently, the building would appear at odds with the design and scale of existing residential properties and would fail to harmonise with the character and appearance of the area.
8. The footprint of the three storey element of the proposed building would sit on a similar alignment to the neighbouring residential property at Nos 68 and 70 Violet Avenue. However, the single storey projection to the rear of the building would then extend the full depth of the plot, abutting the side boundary with this neighbour. Other residential buildings in the immediate area have rear garden space and gaps between dwellings and their rear boundaries. Whilst land would be excavated allowing the single storey projection to sit at a lower

level with a green roof utilised, the extent of built form would still be appreciated from adjacent residential properties, particularly from first floor windows. As a result, the layout of the proposal would appear cramped and would not reflect the less intensive layout of neighbouring properties.

9. The loss of existing unprotected trees on the site and prominent position of cycle storage and bin storage on the site frontage, whilst not the defining issue here, would have a negative impact on the appearance of the site frontage and would serve to demonstrate the lack of space around the proposed building to better accommodate these features. Amendments made to the scheme in terms of additional soft landscaping to the front of the site would do little to soften the impact of the proposed building and the detracting elements proposed to the frontage.
10. My attention has been drawn to the Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document (SPD) Residential Layouts (adopted in 2006) and in particular Paragraph 5.6 which states that corner sites are very often highly visible, and give an opportunity to create strong landmark buildings that are less likely to relate to immediate neighbours. In this particular instance, I do not consider such an intensive development would be justified. The site is positioned at the end of a row of properties but at a mid-point along the road rather than a strongly defined junction. The character of buildings is very much residential properties sharing similar characteristics in terms of bulk, scale and form. The development proposed would appear incongruous within the street scene rather than as a landmark building and would not enhance the character and appearance of the area.
11. Overall, I find that the scale, bulk, layout and design of the proposal including associated landscaping would result in a development that would appear incongruous within the street and cramped within the site, jarring with the more traditional grain of the area. Consequently the proposal would have a harmful effect on the character and appearance of the area. The proposal would therefore be contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (adopted in 2012) and Policies BE13, BE19 and BE38 of the London Borough of Hillingdon Unitary Development Plan (saved policies 2007) (UDP) which require amongst other things that developments are of high quality design, making a positive contribution to the local area in terms of layout, form, scale, materials and landscaping, harmonising with the existing street scene and complementing the character of the area. The proposal would also conflict with the aims of the HDAS SPD which includes amongst other things that building lines within a new development should relate to the street pattern of the surroundings, whilst the height of the development should be determined by reference to surrounding buildings and the relationship of proposed buildings with the wider public realm. The proposal does not adhere to Policies 7.1 and 7.4 of The London Plan (published in 2016) which requires proposals for new housing to help reinforce or enhance the character of a neighbourhood.

Highway safety

12. The appeal site is situated within a weekday controlled parking zone with on street parking during restricted times controlled by permit. The road to the front of the site has a pedestrian central reservation and road markings relating

to the school entrance with a requirement to keep this section of road clear of vehicles. The area has a Public Transport Accessibility Level (PTAL) rating of 2 where 6 represents a high level of accessibility and 1 a low level of accessibility. Due to this relatively low rating there is likely to be some reliance on the private car in this location.

13. No off street parking would be provided as part of the development. Annex 1 of Policy AM14 of the UDP sets out the Council's parking standards for new development. This includes that flats and houses without individual curtilages with communal parking in garages or open car parking areas should provide a maximum 1.5 spaces per dwelling. The Highway Authority have advised that the proposal would generate a requirement for 3 parking spaces as well as a requirement for 2 spaces for the neighbouring maisonette as they consider current parking spaces would be displaced as a result of the development. The appellant contends that based on Census data of car ownership rates in the area, the figure should be 2 spaces for the proposed development and that occupants of the neighbouring maisonettes are not entitled to park on the land currently and therefore would already need to seek spaces on the street.
14. Discussions between the parties led to a figure of 85% being confirmed by the Council as a maximum parking occupancy level beyond which the impact on on-street parking would be unacceptable. I am advised by the Council that this is a figure used by transport planning practitioners as a general 'rule of thumb' and that figures beyond this are often considered to be high or at operational capacity. The figure is not set out within any Policy or guidance note that I have been presented with. I have given regard to the appellant's Transport Statement (October 2018) submitted with the appeal and the Transport Statement (March 2018) submitted as part of the planning application which employs the Lambeth Methodology and shows current on street 'parking stress' at the time the parking survey was undertaken to be as high as 82%. If the Council's argument is accepted the proposal would result in parking occupancy levels over 85%. If the appellant's figures are accepted on street parking would rise to 83.3%.
15. Even if the appellant's scenario is accepted, I am not convinced by the evidence before me that the acceptability or not of the development in highway safety terms can be gauged by a demonstration that the impact on parking occupancy levels in the area would marginally fall under a figure of 85%. The pressure on on-street parking in the area is clearly already at a critical point and to apply the 85% figure rigidly would be to ignore other compelling factors in this particular case. The site is located in an area with a below average PTAL rating and is therefore considered unlikely to be car free. The further increase on 'parking stress' in the area would compound the unacceptability of the scheme which is cramped within the site providing no opportunity for off street parking that would relieve pressure for on street spaces.
16. Overall, I find that the proposals fail to demonstrate that a development devoid of any off street parking provision to serve the 3 proposed residential units could be accommodated without adding undue pressure to an already strained parking situation in the area. This would be detrimental to highway safety in the area and is contrary to Policy AM14 of the Hillingdon Unitary Development Plan (Saved Policies 2007) which seeks to ensure that all development is in accordance with the Council's adopted car parking standards and paragraph 102 of the National Planning Policy Framework (2019) which promotes

sustainable transport and requires patterns of movement, streets, parking and other transport considerations to be integral to the design of schemes, and contribute to making high quality places.

Living conditions

17. The proposal would result in part of a three storey side elevation and a first floor rear balcony projecting past the rear elevation of the neighbouring property at Nos 68 and 70 Violet Avenue. Due to its height it would present significant built form adjacent to the boundary. This side elevation of the proposed building would be approximately 1.0m from the rear elevation of Nos 68 and 70 and would include obscure glazed windows serving each of the three floors facing the neighbouring property. The height and proximity of the proposal to this neighbour would have a dominating effect and the windows whilst obscured would emphasise the presence of the building. This would result in material harm to the outlook for the occupiers of these adjacent maisonettes.
18. The Council's HDAS SPD states at paragraph 4.11 that a 45 degree principle will be applied to ensure adequate daylight and sunlight is enjoyed in new and existing dwellings. The proposed first floor rear projecting balcony intersects a 45 degree line from the rear facing windows of Nos 68 and 70. I have seen the appellant's Daylight and Sunlight report (dated September 2018) and its conclusions that there would not be a significant impact on levels of light experienced by these properties. The Council has not provided any evidence to the contrary. Nevertheless, given my conclusions on the effect on outlook the overall impact on the living conditions for neighbouring properties would be one of harm.
19. Given the above, I have not found conflict with Policy BE20 of the UDP which seeks to safeguard adequate levels of daylight and sunlight into and between existing and proposed buildings. However, I find that the proposal would nevertheless result in material harm to the living conditions of the occupiers of the adjoining maisonettes at Nos 68 and 70 Violet Avenue having a harmful impact on outlook for the occupiers of these neighbouring maisonettes. This would be contrary to the saved Policies BE19 and BE21 of the UDP which seek to ensure new development within residential areas complements or improves the amenity and character of the area including consideration of the effect of a proposal on outlook for adjoining properties taking in to account factors including siting, bulk and proximity. The proposal would also be contrary to the HDAS SPD which states amongst other things that where a two storey or more building abuts a property or its garden, adequate distance should be maintained to overcome possible overdomination.

Conclusion

20. For the reasons given above and taking into account all other matters raised, I conclude that the appeal should be dismissed.

M Russell

INSPECTOR