



Appeal Decision

Site visit made on 20 December 2021

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2022

Appeal Ref: APP/R5510/W/21/3282070
279 Swakeleys Road, Ickenham UB10 8DR

- 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 Ms Paramjit Sidhu against the decision of the London Borough of Hillingdon Council.
 - The application Ref 30255/APP/2020/4275, dated 21 December 2020, was refused by notice dated 22 April 2021.
 - The development proposed is Demolition of existing house and outhouses and erection of a new building containing 7 flats.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted amended plans with the appeal. These plans differ from those the Council undertook public consultation upon and based their decision on. These plans make substantive changes to the proposal and therefore materially alter the nature of the application. No public consultation has occurred, nor the Council had sufficiently appropriate opportunity to consider these changes. On this basis, should I take these plans into consideration, the interests of the parties would be severely prejudiced. Therefore, these amended plans are discounted.

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the local area;
 - The living conditions of future occupants with regards to external living space and;
 - The living conditions of adjacent occupants by way of overlooking and loss of privacy; and
 - Whether or not the proposal would be inclusive design in relation to access.

Reasons

4. The appeal property is an extended, two-storey detached dwelling set back and behind a solid brick wall on the east side of Swakeleys Road within a suburban

area, residential in character. Whilst many houses are two storey dwellings, there is a variety of house styles and adjacent to the appeal property is Number 277 Swakeleys Road, a low level bungalow nestled between larger houses. However, a common theme to the area is large mature and landscaped rear gardens. The garden of the appeal property backs onto the access road along Silver Birch Close. The appeal property is set in generous grounds and contains a large detached outbuilding.

5. The proposal would encompass most of the width of its plot that faces Swakeleys Road. Although the existing dwelling may be located close to the boundary with No 277, it is a significantly different scale and massing to the proposal.
6. The proposal would extend close to the boundary with Warren Road. Irrespective of the appellant's intention of the building to address this road, its scale and dominate roof formation, with a considerable projection along Warren Road, would appear as a large scale and mass of development.
7. I appreciate the orientation of the proposal and its design influences may be attributed to a triple and southern facing aspect to benefit future occupants. There may indeed be variety to the existing vernacular seen locally and the local area may not be included as a statutorily designated area, with no listed buildings brought to my attention. Nevertheless, taken with the proposed roof designs and substantial ridge heights, albeit they would vary in height, together with its overall bulk and relationship with No 277 and Warren Road, the proposal would appear especially prominent and exposed in this open corner location.
8. Despite the present hardstanding areas to the existing property, the presence of soft landscaping character that is visible from outside the site positively enhances the local area. This is one of a verdant environment.
9. It has not been substantiated by evidence presented by the appellant that there may be a net increase in soft landscaping for this proposed development, and even if the proposal may accommodate less parking for cars than the existing site, the proposed garden areas would be organised in a very different arrangement.
10. Planting may be directed to the front and sides of the dwelling where it is currently void. However, spacious rear back gardens are a characteristic of the majority of other dwellings along this side of the road. The scheme with its layout as proposed would be uncharacteristic in this regard.
11. Even if I were to agree that the appeal dwelling has little architectural merit, and whilst making effective use of land is an important consideration, all things considered, by virtue of its scale, height and mass in this location, together with the arrangement of layout it would adversely harm the character and appearance of the local area.
12. Therefore, to conclude on this main issue, the proposal would conflict with the design aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020, Policies D4 and D5 of the London Plan 2021 and the National Planning Policy Framework 2021 (the Framework) in their objectives to achieve well designed places.

13. Local Plan Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 relates to private outdoor amenity space. Whilst it requires it to be 'good quality', I find no direct relevance between the proposal and this policy in terms of its effect on the character and appearance of the local area.

Living conditions of future residents

14. Due to the arrangement of the building, communal garden space of soft landscaped areas would be located in a number of different locations.
15. One area of dedicated garden space in particular, between the side of the proposed building and the boundary with No 277, would consist of a long and reasonably narrow grassed space. The value of this as functionable external space to occupants would be limited due to its width together with a wide cypress hedge is illustrated along the party boundary.
16. Furthermore, the canopy of existing trees just outside the boundary of the appeal site appears from the plans submitted, to overhang parts of these green spaces. Therefore, the consequences of shading on these areas would reduce their function.
17. Whilst some effects of shading garden areas may be welcome, I note the planting specification and their positions on the submitted plan. This would further reduce the overall valuable contribution of garden use as external space for the future occupants of the development.
18. Taking into account balconies to flats that provides external space and even if the internal spacing standards and parking numbers provided on site meet the tests of relevant policy standards, they do not compensate for the shortcomings of the functions of the external space I have identified.
19. To conclude, given the layout as proposed and combination of existing and proposed planting would significantly reduce its quality of function and consequentially result in adverse harm to the future occupants of the development. It would therefore fail to comply with the broad aims of Policy BE1 of the Local Plan: Part One 2012, and policies DMHB 11 and DMHB 18 of the Local Plan Part Two - Development Management Policies 2020, Policy D6 of the London Plan 2021 and the Framework in their combined objectives to create a high standard of development and protect the amenity for future users.

Living conditions adjacent occupants

20. A number of windows to the proposed building would be located in the side elevation facing No 277. These windows serve bathrooms and habitable rooms. As a consequence, overlooking to habitable room windows of No 277 would occur. Therefore, there is significant opportunity to cause harm to the living conditions of the occupiers by virtue of overlooking and loss of privacy.
21. The appellant suggests imposing a condition to obscurely glaze and fix shut side windows of the proposed building. I have considered this in light of the Framework, in particular paragraph 56. However, without more detail of the effect of this intervention upon the appearance of the building, I cannot be certain that this would be a reasonable condition to impose. Nor would it be

reasonable to impose a condition to remove these windows without further details to consider. They have thus not been presented.

22. To conclude on this main issue, by virtue of the location of windows within the proposal, it would result in detrimental harm arising to the living conditions of the adjacent occupants by virtue of overlooking and loss of privacy. Therefore, the proposal would fail to comply with the combined aims of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, and Policy DMHB 11 of the Local Plan: Part Two - Development Management Policies 2020 to protect residential amenity. It would also conflict with the Framework 2021 in its objectives to create a high standard of amenity for existing users.

Accessibility

23. The London Plan 2021 reinforces the need for accessible housing within London, in particular Policy D7. There is no alternative means of access to upper floors of the building unless via the use of stairs which could be a significant obstacle to a less able-bodied person.
24. Even though some of the building is fully accessible, and there is no information on the cost implications of installing a lift for me to consider, there is no compelling evidence from the appellant as to why this cannot be achieved in the interest of inclusivity. Furthermore, this is flatted development for seven new homes and is a considerable uplift in numbers than one house that is currently on site.
25. I have considered if a condition to provide an internal lift would satisfy the requirement. However, given the implications of internal space and whether or not an overrun would be required and potential effect on the external appearance of the building, a condition would not meet the requirements of paragraph 56 of the Framework.
26. To conclude on this main issue, due to the lack of inclusive design, the development would therefore not comply with Policy D7 of the London Plan 2021 in its objectives to provide accessible housing.

Other Matters

27. Examples of new build housing developments have been brought to my attention by the appellant as comparisons schemes. In particular, plans of a redevelopment at No 277 have been produced. However, the details are very limited including no details of when this permission was granted. There are some details presented of other new houses at Harefield Road and Park Road. However, this too is limited information. In any event, based on the material before me, none share precisely the same characteristics as the proposal at appeal.
28. This scheme may increase housing supply locally. However, this should not be at the expense of other material considerations to which I have found adverse effects would arise.
29. The appellant raises concerns regarding the Council's service. However, complaints about the Council should in the first instance be referred to them and is not within my jurisdiction to comment upon.

Conclusion

30. The proposal would result in harm arising to the character and appearance of the local area, the living conditions of future residents of the development and adjacent occupants, with no inclusive accessibility to upper floors. It would thus lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR