
Appeal Decision

Site visit made on 16 February 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/R5510/W/21/3275081

169 Joel Street, Northwood, London, HA5 2PD.

- 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 D Rastogi against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref. 22642/APP/2020/3181, dated 23 September 2020, was refused by notice dated 12 March 2021.
 - The development proposed is the demolition of the existing dwelling and erection of a part one, part two and part three storey building comprising 9 flats (3 x 1-bed; 5 x 2-bed; and 1 x 3-bed) and 4 parking spaces.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The appellants' agent has submitted amended plans of the proposed development with the appeal. These revise the details of the scheme originally considered by the Council by, in summary, reducing the number of units from 9 to 8 and amending the form of the building proposed and the layout of the accommodation and the nature of the fenestration. However as the Council points out, the national Planning Practice Guidance indicates that the appeals process should not be used to evolve a scheme unless there are exceptional circumstances.
3. I note that an amended application has been submitted to the Council who has refused permission on a single ground, but nevertheless that is not the formal application that is before me. Applying the principles set out in the case of *Wheatcroft* it appears to me that the changes to the scheme are material, such as a 11% reduction in number of units, and it introduces changes to the depth and scale of the building together with windows/balconies which are likely to be of considerable interest to the occupiers of the adjacent properties. I find that the amended plans seek to introduce changes that are too substantial to be considered as a minor revision without direct community consultation and the other circumstances that apply are not exceptional. This appeal should therefore only deal with the original plans as considered by the Council.

Main Issues

4. The main issues are:

- The effect on the character and appearance of the area;
- The effect on the living conditions of the occupiers of neighbouring properties and also the occupiers of the new units proposed;
- The effect of the proposal on on-street parking provision and highway safety.

Reasons

Background

5. The appeal site contains a relatively modern large two storey detached house which is set back from the frontage of mainly semi-detached houses in a residential area and there is an area of hardstanding at the front for vehicle parking. There is a gated access to Joel Street which is a classified road and which the highway authority say is a highly trafficked thoroughfare. It is proposed to demolish this house and erect a new building of a two storey form but with accommodation in the roof space to form 9 flats.
6. From my reading of the relevant policies in the Council's Local Plan, there is no objection in principle to the redevelopment of the site and the creation of additional residential units is supported. Such increase in housing supply and a more effective use of land is also in line with the London Plan and the guidance in the National Planning Policy Framework (NPPF), subject to site specific impacts.

Effect on character and appearance

7. The frontage of development along Joel Road either side of the junction with Middleton Drive is characterised by semi-detached houses of a traditional suburban design. The appeal site property is unusual in that while the width of the site is about the same as that occupied by a pair of 'semis,' the house is set back from the frontage leaving a conspicuous gap in the street scene.
8. The proposed block would follow the established building line of the neighbouring properties. Moreover, as shown on the submitted street scene elevation, the double gable frontage proposed is informed by the similar gable designs on the 'semis' and the wider form of the building would not be out of scale with the surroundings of the site. The building proposed is of a similar height as the neighbouring ones and I do not see the glazing of the top of the gables as a design feature which detracts from the overall appearance of the new building. Neither does it suggest a visually imposing third floor or incongruous feature as the Council suggest. The gaps between the proposed building and the boundaries of the site would be slightly less than that which tend to exist between neighbouring properties but this does not result in a 'terracing effect' as shown on the street scene elevations.
9. Overall I am satisfied that the height, design and siting of the proposed flats would not be visually imposing or out of character with the present street scene but would contribute to this frontage in a more appropriate way than the present house. On this issue I find that the proposal meets the requirements of Local Plan Policy BE1, particularly criterion 1 and the first part of 2; together with part A of Policy DMHB11 and DMHB12; and Policy D4 of the London Plan on delivering good design.

Effect on living conditions

10. There are two aspects to this issue- firstly, the effect on the living conditions of the occupiers of existing neighbouring properties, and secondly the effect on the occupiers of the proposed new flats.
11. In terms of the relationship with the existing neighbouring properties I noted at my visit that the existing property is set back almost in line with the rear of its neighbours. The proposed block would lie mostly adjacent to its neighbours which have limited fenestration on the flank elevations facing the appeal site although No. 171 has a large window at first floor although this appeared to be glazed with obscure glass suggesting a non-habitable room. The bulk of side wall proposed would be much greater than that normally associated with the surrounding 'semis' but the extent of this appears to have been designed to not intrude into a 45° vision splay measured from the adjoining rear facing windows.
12. I have also taken account of the Daylight and Sunlight Assessment undertaken by Herrington (Sept 2020) on behalf of the appellants, the conclusions of which are not disputed by the Council. Given this evidence, and my observations on site about the better overall siting of the block, I am satisfied that the proposed building bulk would not have an imposing or harmful effect on the living conditions of the occupiers of adjoining properties in terms of loss of outlook or daylight.
13. However I have concerns about overlooking and loss of privacy. The scheme shows that flats 6 and 7 on the first floor and flats 8 and 9 on the second floor would have small terrace/balconies facing rearwards. Although the views from these are shown to be contained to the side by 1.7m high privacy screens, these screens would be unlikely to prevent a person standing on any terrace from looking towards the neighbours in their gardens. Moreover, the terraces would be sited relatively close to the party boundaries and this, combined with the first and second floor height, would give rise to direct overlooking and a loss of privacy in the gardens. The adjoining occupiers would have a clear perception of being overlooked and this would result in harm to the occupiers' enjoyment of their gardens.
14. In relation to the future residents of the flats themselves, I have concerns that the proposed scheme would not provide a reasonable living environment for some of the flats. Because of the depth of the structure and the need to avoid overlooking from windows on flank walls the windows are all shown to be glazed with obscure glass. This is usual for bathrooms and toilets but the proposed floorplans show that the only window to a bedroom/study of flat 2; a secondary bedroom window to flat 2; and the only kitchen window to flats 1, 3, and 4 would be obscure glazed. I agree with the Council's assessment that these rooms would not be provided with an adequate level of outlook.
15. The Council also raises an issue over Policy S5 of the London Plan concerning inclusive design and accessibility. The scheme is not shown to have a lift and flats 5 to 9 could only be accessed via a staircase. However, it is not clear from the policy whether the 'highest standards of accessibility' means that all of the units proposed must have such design and facilities. In this case two of the ground floor units are shown to be designed for wheelchair users and the Policy DMHB16 for major development only requires 10% of units to be accessible or easily adaptable for wheelchair users. On the specific details and

merits of this scheme there is not a conflict with the relevant parts of Policy DMHB 11 or Policy DMHB 16.

16. Finally under this issue there is the provision of external amenity space. The scheme shows that two of the ground floor flats would have access to private garden spaces while the other flats would share the communal gardens space at the rear of the site. The scheme has tried to give the five units at the rear a private terrace space but this has resulted in a problem of overlooking as described in paragraph 13 above. Nevertheless the communal garden space is large enough to give each flat more than sufficient space to meet the standards set out in Policy DMHB 18 and such space could be made more private and less communal if necessary.
17. In summary under this issue I find that the proposal would harm the living conditions of neighbours by causing overlooking and a loss of privacy from the first and second floor rear facing terraces/balconies and on this basis it conflicts with the provisions of part B of Policy DMHB 11 and Policy BE1 (2) as it would not protect the amenity of these residential properties. The scheme would also not provide adequate living conditions for the future occupiers as the number of units proposed results in some of the flats having accommodation with poor aspect and outlook.

Effect on parking and highway safety

18. The scheme puts forward 4 parking spaces for the 9 flats while the Council/highway authority says that the adopted standards indicate for flats of the size proposed between 10-12 spaces should be provided on site. This is a substantial under provision and it is likely to result in roadside parking on the classified Joel Street or on neighbouring side streets. I note the appellants' evidence about the low levels of 'on-street parking stress' locally and other inspector's decisions on similar cases, but the appeal scheme would not meet even a very reduced provision of 0.5 spaces per residential unit.
19. In terms of whether other forms of travel are reasonably available to the occupiers of the proposed flats to offset the parking needs, I understand that the site at the moment has a PTAL of 2 which is considered to be low resulting in a higher dependency on the ownership and use of car transport.
20. Considered on its individual merits I find that the proposed scheme would have inadequate parking provision within the site and such under provision would be likely to result in parking pressure on the highway which would not be in the interests of highway and pedestrian safety or the free flow of traffic. As such the proposal conflicts with Policies DMT 1, DMT 2 and DMT 6.

Planning balance

21. On the main issues, while I have found that the appearance and siting of the front elevation of the replacement building would sit comfortably in the street scene and would not harm the appearance of the area, I have concerns about the scale of the development and its effect on the occupiers of neighbouring properties. First and second floor terraces/balconies are not prevalent in the area and the use of the ones proposed would harm the living conditions of neighbours by causing overlooking and resulting in a loss of privacy particularly in gardens. The scale and nature of the flats proposed also results in some of them having an inadequate aspect and outlook which would harm the living

conditions of their future occupiers. I have also found that the proposed parking provision is inadequate, and the site does not lie in a sustainable location where other modes of travel would be likely to be available for the occupiers of the flats. The displaced parking needs would be likely to result in on-street parking stress to the detriment of highway safety.

22. These adverse effects result in the proposal being in conflict with the specific parts of the development plan that I have mentioned above, however, this has to be balanced with the benefits of the development.
23. There is general local and national policy support for the more effective use of land particularly on a site that is previously developed and the NPPF seeks to significantly boost the supply of new homes. Locally an acceptable form of development may improve the townscape of the street scene by reducing the set back from the established frontage.
24. However, I find that the benefits of the proposed scheme do not outweigh the harm that would be caused or the policy conflict and this indicates that the appeal should not be allowed.

Conclusion

25. For the reasons given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR