
Appeal Decision

Site visit made on 26 October 2021

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 05 November 2021.

Appeal Ref: APP/R5510/W/21/3273062
59 Elm Avenue, Ruislip HA4 8PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr A Gudka against the Council of the London Borough of Hillingdon.
 - The application Ref 60130/APP/2020/4166, is dated 13 December 2020.
 - The development proposed is the demolition of existing dwelling and erection of residential building housing 6 flats with associated bin and cycle provision. Removal of corner drop kerb and creation of new drop kerb and widening of front drop kerb.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The Council failed to issue a decision notice within the required timescale. However, they did set out putative reasons for refusal within their appeal statement. From my reading of this the main issues are as follows.

Main Issues

3. The main issues are:-
 - a) Whether or not the proposed development would result in an unacceptable loss of family housing, and
 - b) The effect of the proposed development on highway safety and on the character and appearance of the area.

Reasons

Family housing

4. Policy DMH 2 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (LP2) requires a provision of a mix of housing units of different sizes in schemes of residential development that reflect the Council's latest information on housing need. To this end my attention has been drawn to The Strategic Housing Market Assessment 2018 (SHMA) which indicates that there is a far larger need for three and four bedroom houses (a total of 79%) than for one and two bedroom houses (a total of only 18%).

5. The appellant has pointed out that the SMHA is now three years old and cannot therefore be considered to be up to date. It is however the Council's latest information, and I have no evidence to show that the situation has fundamentally changed since its publication. Whilst the policy is not specific in requiring the replacement of lost family dwellings, it is quite clear that a mix of units is required that reflects the latest information on housing need. That information indicates that there is a far greater need for three bedroom units than either one or two bedroom units.
6. As the proposed development would contain four two bedroom flats and two one bedroom flats and no three or four bedroom units, it cannot be said to be in compliance with the policy. In arriving at this conclusion I note that policy H10 of the London Plan 2021 makes clear that developments should contain a range of unit sizes and that to determine the appropriate mix regard should be had to *robust local evidence of need*. I have no evidence before me to show that the SHMA is anything other than robust. I also note that, where robust local evidence of need is unavailable, policy H10 directs decision makers to the 2017 London SHMA, which is older than the Council's SHMA.
7. I conclude therefore that the proposed development conflicts with policies DMH 2 of the LP2 and H10 of the London Plan.

Highway safety

8. The appeal site lies on the corner of Elm Avenue and Oak Grove. The existing bungalow on the site benefits from two drop crossings, one of which is across the corner of the two roads. This would be removed and replaced with a drop crossing facing directly onto Elm Avenue, further from the junction. Whilst the proposed crossing may be slightly nearer the junction than the 5m shown in the Council's Domestic Vehicle Footway Crossover Policy, it is nonetheless further than the existing one, and parked vehicles would be set back a similar distance to the existing situation. I cannot therefore accept that cars parked on the proposed driveway would compromise sightlines for those using the junction, or indeed those approaching the junction, anymore than the cars parked on the existing driveway do.
9. My attention has been drawn to the fact that there have been four recorded highway accidents in the vicinity over a five year period. However, none of these appear to directly relate to visibility issues.
10. In light of the foregoing I conclude that the proposed development would not be detrimental to highway safety, and therefore would not conflict with policy DMT 2 of the LP. This requires that development must provide safe and efficient vehicular access to the highway network.

Character and appearance

11. Properties within the area of the appeal site vary considerably. To the east there are semi-detached properties with front facing gables and attached or integral garages. Directly opposite the appeal site is a narrow bungalow that, similar to its neighbours to the east, stretches deeply into its plot. On the corner of Lime Grove and Elm Avenue there is a large detached property that contains two large dormer extensions. The dwelling on the other corner of Elm Avenue and Lime Grove is also large and detached and takes up a

considerable proportion of its plot. There are a number of properties with accommodation within the roof.

12. The proposed building would be set back from the adjacent semi-detached properties and would have two front facing gables incorporating a timber looking feature in keeping with several other properties in the vicinity. Apart from the single front door it would have the appearance, from the front, of two semi-detached houses. Whilst the building would extend rearwards beyond the adjacent properties there would still be a reasonable amount of amenity space left to the rear, and the rear elevation would be approximately in line with the rear elevation of No 61, on the other side of Oak Grove.
13. The mass and bulk of the building would be broken up by the use of brickwork at ground floor level and render at first floor level, and there would be over 5m between the east elevation of the proposed building and the west elevation of No 57. The parking arrangement to the front would be similar to many nearby properties.
14. Overall, given the above factors and taking into consideration that the proposed building would be on a corner plot, I do not consider that it would cause harm to the character and appearance of the area. There would not therefore be conflict with policies DMHB 11 or DMHD 1 of the LP2. The former of these requires that all development should harmonise with the local context. The latter requires, amongst other things, that a satisfactory relationship with adjacent dwellings is achieved. Nor would there be conflict with policy BE1 of the London Borough of Hillingdon Local Plan Part 1 – Strategic Policies. This requires that all new development should achieve a high quality of design.

Planning balance

15. I have found that the proposed development would not cause harm to the character or appearance of the area or to highway safety. However, I have also found that the development would be in conflict with policies DMH 2 and H10 in respect of the loss of family housing. To my mind, the conflict with the latter, and the significant, demonstrated need for family housing outweighs the non-conflict with the former.

Conclusion

16. Therefore, for the above reasons, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR