

Appeal Decision

Site visit made on 27 June 2022

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2022

Appeal Ref: APP/R5510/W/22/3296093

**Land rear of 56 Briarwood Drive, with access from Oakdale Avenue,
Northwood HA6 1PW**

- 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 John Philips against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 19486/APP/2021/3500, dated 14 September 2021, was refused by notice dated 23 December 2021.
 - The development proposed is construction of a two-storey detached house with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the development would be accessible and inclusive for all users;
 - the effect of the development on the character and appearance of the area; and
 - the effect of the development on the living conditions of neighbouring residents, with particular regard to outlook.

Reasons

Accessibility/inclusivity

3. Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012) (the SP) and Policy DMHB11 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020) (the DMP) require, among other things, that the internal design and layout of development is adaptable to meet the needs of those with disabilities and the elderly. In addition, Policies D5 and D7 of the London Plan 2021 (the LP) seek the highest standards of accessible and inclusive design, including that new dwellings meet the Building Regulation requirements under Part M for accessible and adaptable dwellings.
4. Based on the advice of the Council's Access Officer, the plans for the proposed dwelling would require a number of amendments to demonstrate compliance with the above policies. The appellant suggests that any adaptations deemed necessary could be addressed through planning conditions. However, whilst such an approach may be suitable for minor changes to the internal arrangements, I consider that the requirements to demonstrate step-free

access could have potential implications for the external appearance and layout of the development. This is because there is a marked change in levels between the site and Oakdale Avenue. In the absence of details of how step-free access can be practically achieved on the site, and without affecting the appearance and layout of the development, it is not certain whether any condition could ever be complied with, or whether there would be other harmful changes as a result.

5. Although not specifically raised by the Council, I also have further concerns in relation to how the parking layout would be able to meet requirements for wheelchair access given the gradient and an apparent lack of circulation space between and around the parking spaces. This is also likely to affect their ease of use for parents with prams, and also any less-mobile persons generally. Due to the limited space available at the front of the site, it is not certain that appropriate adjustments could be achieved in this regard.
6. Consequently, this is not a situation where unacceptable development could be made acceptable through the use of planning conditions. I therefore conclude, on this issue, that the development would not be accessible and inclusive for all users, which conflicts with the requirements of Policy BE1 of the SP, Policy DMHB11 of the DMP, and Policies D5 and D7 of the LP.

Character and appearance

7. The appeal site is fenced-off former garden land between dwellings on Briarwood Drive and Pinner Road, which are both primarily residential streets characterised by classic inter-war, semi-detached housing of the Metroland type. There is uniformity in the form and layout of the housing, although many have been altered and extended over time and front gardens have made way for off-street parking. The Council refers to the proposal's lack of consistency with this character.
8. However, the new dwelling would front onto Oakdale Avenue, which is a narrow connecting road between Briarwood Drive and Pinner Road. This road has a mixed character with strong commercial influences and a more diverse range of buildings. As the new dwelling would primarily be seen within this context, it is not necessary for it to closely reflect the character of Briarwood Drive and Pinner Road. That said, the new dwelling would still have sufficient shared characteristics with the existing dwellings in the area in terms of its height, roof form, materials, front gable projection, and parking arrangement. Whilst the Council considers that the front elevation would be uncharacteristically narrow, I consider that the composition is balanced and proportionate. I also observed similarly proportioned detached dwellings nearby, such as 59 and 61 Pinner Road.
9. Furthermore, although the depth of the rear garden area would be shorter than most of the surrounding properties, this would not be highly apparent from the public realm, and there is no suggestion from the Council that the dwelling would have an insufficient amount of garden space, or that it would appear cramped within the plot. In addition, as the site is a separate parcel of land with its own frontage, the proposal would not constitute backland development, or result in the loss of garden space.
10. Overall, I am satisfied that the new dwelling would harmonise satisfactorily with the surrounding area and existing street scene.

11. I therefore conclude, on this issue, that the development would not cause harm to the character and appearance of the area. In this regard, the proposal complies with requirements of Policy BE1 of the SP, Policies DMH6, DMHB11 and DMBH12 of the DMP, and Policies D1 and D3 of the LP, in so far as they resist loss of garden space and require development to incorporate principles of good design including harmonising with the local context and public realm. As the development would have sufficient garden space, the proposal also complies with LP Policy D6. The proposal also complies with the National Planning Policy Framework (the Framework) in respect of design.

Living conditions

12. 56 Briarwood Drive has been converted into two separate flats (56 & 56a). Part of the two-storey flank wall of the new dwelling would extend past the rear elevation of this neighbouring building, including the conservatory, but not to a significant extent. As a result, the occupiers of the flats would still benefit from a largely open outlook. In addition, the drawings indicate that the distance between the blank flank elevation of the new dwelling and the main rear elevation of the flats would be around 15 metres at the closest point. I note that the distance to the conservatory would be slightly less at around 12 metres according to the Council. In my judgement, these factors, in combination with the hipped roof design of the dwelling and its modest set back from the common boundary, would avoid any harmful intrusion on the outlook enjoyed by the occupiers of the two flats.
13. Despite objections from some neighbouring residents, the Council did not raise any concerns in relation to loss of privacy or light. Based on my own observations, I have no reason to disagree with the Council's assessment in relation to these matters.
14. I therefore conclude, on this issue, that the development would not harm the living conditions of neighbouring residents, with particular regard to outlook, and so, complies with Policy DMHB11 of the DMP in so far as it seeks to protect the amenity of neighbouring residents.

Other Matters

15. In order to gain access to the proposed parking spaces it would be necessary to construct a new crossover. This would result in the loss of at least one of the on-street parking bays outside the site. Local residents have raised concerns over the effect this would have on parking stress in the area. Indeed, at the time of my site visit all of the parking spaces in the vicinity were fully occupied and there was also obstructive parking on the yellow lines at the back of the commercial premises. Whilst the Highway Authority did not specifically object to the loss of the on-street parking space, it did advise that this would require an amendment to the Traffic Management Order and that any objections to this may lead to the retention of the parking bay. This raises considerable doubt over whether suitable parking could be provided for the new dwelling. However, as I am dismissing the appeal on other substantive grounds, I will not explore this matter any further as it would not change the appeal outcome.
16. Other developments permitted by the Council have been highlighted. However, the details of the schemes are not before me. Nor has their relevance to the appeal been explained. Consequently, those decisions have limited bearing on the outcome of this appeal.

17. The Framework places considerable importance on boosting the supply of housing, and the proposal would deliver economic and social benefits from the construction and occupation of the house in an accessible location. It would also comply with the Framework objectives to make efficient use of land. However, as these benefits arising from one dwelling would be small, I can only give them limited weight in favour of the proposal.

Conclusion

18. Harm would not arise in relation to character and appearance or impacts on neighbouring residents. Nonetheless, the proposal gives rise to significant conflict with the contents of the development plan relating to accessible and inclusive design. As such, the proposal conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR