

Appeal Decision

Site visit made on 9 August 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2022

Appeal Ref: APP/R5510/W/22/3300925

12 Whitethorn Avenue, West Drayton UB7 8JX

- 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 Manj Madhar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 10697/APP/2021/4279, dated 12 November 2021, was refused by notice dated 14 January 2022.
 - The development proposed is new 1 bedroom bungalow with new drop kerb for car parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area;
 - The effect of the development on the living conditions of the occupiers of 10 Whitethorn Avenue, with particular regard to outlook and enclosure;
 - The effect of the development on highway safety; and
 - Whether or not the development would provide its occupiers with suitable living conditions, with particular regard to outlook.

Reasons

Character and appearance

3. 12 Whitethorn Avenue lies at the corner of Whitethorn Avenue and Edgar Road. The proposal involves the erection of a bungalow at the end of the rear garden, fronting onto Edgar Road.
4. Edgar Road and the surrounding streets are characterised by two-storey houses of similar scale and style, arranged in regularly spaced pairs, set back similar distances from the street and within rectilinear plots with larger gardens at the rear. This results in a highly consistent pattern of development, which contributes positively and distinctively to the character and appearance of the area.
5. Although the bungalow could be constructed in materials which are in keeping with its surroundings, this would not prevent it from appearing as a building of

wholly inconsistent scale and style. In addition, its projection beyond the front elevation of 63 Edgar Road, albeit marginal, would notably disrupt the well-defined building frontage along this part of Edgar Road. Moreover, as a result of its footprint-to-plot ratio and the limited space between the building and its roadside and rear boundaries, the development would appear uncharacteristically cramped and squeezed into its plot. The visual impact of the development would be made more intrusive by its prominent position at a bend in the road. Consequently, the development would be incongruous in its context and would harmfully undermine the currently homogenous character of the street.

6. I therefore conclude, on this issue, that the development would cause significant harm to the character and appearance of the surrounding area. As such, there is conflict with Policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) (the SP) where it requires that new development contributes positively to the local area in terms of layout, form and scale. There is also conflict with Policies DMHB11 and DMHB12 of the Hillingdon Local Plan: Part 2 Development Management Policies (2020) (the DMP) where they require that development is well integrated with the surrounding area and harmonises with the local context by taking into account the surrounding scale of development, plot coverage and building lines. There is further conflict with Policies D3 and D4 of the London Plan (2021) (the LP) which seek good design and development that positively responds to local distinctiveness through its layout, scale, appearance and shape, with due regard to existing building types, forms and proportions. There is also conflict with paragraph 130 of the National Planning Policy Framework (the Framework) which states that development should be sympathetic to local character and add to the overall quality of the area.

Living conditions of neighbours

7. The neighbouring property 10 Whitethorn Avenue has a rear garden of similar length to No 12. It is not in dispute that there is sufficient separation to ensure that the scale and siting of the bungalow would not be unacceptably dominant in the outlook from the rear windows of No 10.
8. Nonetheless, the bungalow would be positioned directly up against the common rear boundary with No 10. Although it would be a single-storey building, it would still rise markedly above the boundary treatment for a length of around 10.5 metres. The rear garden of No 10 is already imposed upon by the two-storey side extension to 63 Edgar Road. Consequently, even when taking into account the sloping roof form, I consider that the height, length, and proximity of the development, in combination with the existing development at 63 Edgar Road, would cause an undue sense of enclosure to a significant proportion of No 10's rear garden. In this regard, the proposal would be an unneighbourly form of development that would detract significantly from the quality of the living environment for occupiers of this neighbouring property.
9. I therefore conclude, on this issue, that the development would unacceptably harm the living conditions of the occupiers of 10 Whitethorn Avenue due to the undue sense of enclosure that would be experienced within their rear garden. As such, there is conflict with Policy BE1 of the SP and Policy DMHB11 of the DMP in so far as they seek to protect the 'amenity' (living conditions) of the occupiers of adjacent properties.

Highway safety

10. A single car parking space and dropped kerb access is proposed at the side of the house. The local highway authority has raised a number of concerns over the proposed arrangement due to its dimensions, orientation, and sightlines.
11. It is notable from the site plan drawing that there would be a lack of circulation space around the vehicle which would render the arrangement impractical. This includes insufficient space to open the car doors on one side. The likelihood is that the vehicle would be parked in a different manner to that shown on the site plan. However, I have no substantive evidence that this could be achieved without the vehicle overhanging the public highway and causing an obstruction to other highway users.
12. In addition, the point of access would be close to the inside bend where the road narrows considerably and has no pedestrian footway on its western side. I acknowledge that the intention is for the 1.8 metre high roadside boundary fence to stop before the bend. However, I saw at my visit that this would still likely block the visibility of oncoming traffic from that direction. Visibility in the other direction would also be blocked by the tall and solid boundary fence that runs up to the edge of the footway with 63 Edgar Road. Drivers would have to egress onto the public footway before they could see oncoming traffic and pedestrians. The appellant has not provided any specific technical evidence that would demonstrate that the proposal provides safe and efficient access.
13. Whilst Google street view images provided by the appellant show a car parked in a similar area of the site, that does not mean that it has been done legally, safely, and at the same frequency as would result from the proposal, particularly given the absence of a dropped kerb. In any event, the appeal scheme involves a different configuration.
14. I therefore conclude, on this issue, that the development would have an unacceptable impact on highway safety. As such, there is conflict with Policies DMT1, DMT2 and DMT6 of DMP in so far as they require the provision of safe and efficient vehicular access and compliance with parking design standards. For the same reasons there is conflict with Policies T6 and T6.1 of the LP and paragraph 110 of the Framework.

Living conditions for occupiers of the development

15. There is no dispute that the development would meet the relevant internal space standards and provide a commensurate area of private garden space. Rather, the Council's concern is specifically directed to the quality of the outlook from the open plan kitchen/living room.
16. I agree that the window in the front elevation facing Edgar Road would have a very poor outlook due to the proximity of the bin/cycle store and boundary fence. However, this is only a secondary window. The main source of outlook and light to the kitchen/living room would be from the large full-height openings in the side elevation, which would face onto the garden area. Given the number and size of these openings, and the separation distance to the rear elevation of No 12, I am content that this room would benefit from a satisfactory open and light outlook, notwithstanding the proximity of the proposed boundary fence with No 12. It is also relevant that the dwelling would not be single aspect.

17. I therefore conclude, on this issue, that development would provide its occupiers with suitable living conditions, with particular regard to outlook. In this regard, the proposal complies with Policy DMHB16 of the DMP, Policy D6 of the LP, and paragraph 130 of the Framework in so far as they seek a high standard of amenity (living conditions) for residential occupiers.

Other Matters

18. The development would make efficient use of land and add to the supply and choice of housing in the area. However, these benefits arising from one dwelling would be small. Consequently, I can only give these benefits limited weight in favour of the proposal.
19. It has been suggested by the appellant that the development would be a similar scale and nature to any domestic outbuilding that could be constructed, either through permitted development or full planning permission. However, there is no clear evidence before me to suggest that a similar building has been permitted, or could otherwise take place using permitted development rights, so I am unable to make any meaningful comparisons. Accordingly, I attach minimal weight to this matter.

Conclusion

20. Harm would not arise in relation to the living conditions for the future occupiers of the development. Nonetheless, the proposal gives rise to significant conflict with the contents of the development plan relating to character and appearance, neighbour impacts, and highway safety. As such, the proposal conflicts with the development plan and Framework as a whole and there are no other considerations that outweigh this conflict. Accordingly, the appeal should be dismissed.

A Caines

INSPECTOR