

Appeal Decisions

Site visit made on 16 May 2023

by A Caines BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 June 2023

Appeal A Ref: APP/R5510/W/22/3310528

89 Warwick Crescent, Hayes UB4 8RQ

- 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 S Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76347/APP/2022/280, dated 27 January 2022, was refused by notice dated 6 May 2022.
 - The development proposed is two-storey side and rear extension to create 1x1-bed dwelling with associated parking, amenity space and boundary treatment following demolition of existing single-storey extension.
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Appeal B Ref: APP/R5510/W/22/3313395

89 Warwick Crescent, Hayes UB4 8RQ

- 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 S Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 76347/APP/2022/4, dated 21 December 2021, was refused by notice dated 29 June 2022.
 - The development proposed is two-storey side and rear extension to create 1x1-bed dwelling with associated parking, amenity space and boundary treatment following demolition of existing single-storey extension.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. These appeals are for similar development on the same site, but with some differences in their design. I refer to the different cases as Appeals A and B. I have dealt with each appeal on its individual merits, but to avoid duplication I have considered the proposals together in a single decision letter.
4. After carrying out my site visit, I invited further comments from the appellant in relation to the parking/access arrangements and nearby street trees. As part of their response the appellant suggested an amendment to the parking arrangement. However, the amendment would materially alter the schemes and it has not been subject to public consultation. Consequently, if I were to take this amendment into account it could prejudice the interests of the Council and other third parties. I have therefore dealt with the appeals based on the plans that the Council used to make its decisions.

Main Issues

5. The main issues common to both appeals are:
 - the effect of the development on the character and appearance of the area, including the impact on nearby trees; and
 - whether the development would make safe and suitable provision for car parking.
6. An additional main issue in appeal A is whether the development would be accessible and inclusive for all users.

Reasons

Character and appearance

7. The appeal site is located at the end of a short terrace that runs diagonally across the corner of Warwick Crescent with Woodrow Avenue in an established residential area of similar properties.
8. In both cases, the proposals would result in the subdivision of the plot and the construction of a new two-storey, 1-bed dwelling attached to No 89. The drawings show that two new on-site car parking spaces would be created at the front of No 89 to compensate for the loss of its existing spaces, while the new dwelling would be provided with a single on-site parking space accessed separately via a new opening from the unmade access lane at the side.

Appeal A

9. This scheme has been designed as a continuation of the terraced building. Among other things, the Council refers to the lack of subservience to the host building. However, I do not consider it appropriate for the development to be made to appear subservient in design terms, as to do so would result in a visually inferior and incongruous form of dwelling. By following the height and general appearance of the existing terraced building, the development would harmonise appropriately with the form, balance, and architectural composition of the host building.
10. The Council is also concerned about a reduction in spaciousness and a breach of the return building line in Warwick Crescent. I saw that the greater spaciousness at the corner plots is a positive feature that helps to offset the high density of built development in the area. That said, there is some inconsistency in the spacing due to various extensions that have taken place at these corner plots over time. Crucially, the gap between the appeal site and 87 Warwick Crescent is more spacious than most, even with the existing single-storey side extension. This is in part due to the access lane that runs in-between the properties.
11. The drawings indicate that ample space would be retained around the building and to the property boundaries, such that the development would not appear cramped or overdeveloped within the plot. Moreover, any breach of the return building line would be very marginal and thus of little consequence, particularly given the curvature of the road and that the host building sits on an entirely different alignment to the dwellings in Warwick Crescent. I am therefore content that the development would not be unduly intrusive or incongruous in terms of its scale and design.

12. The effect on trees did not feature in the Council's refusal reasons. Nevertheless, the consultation comments from the Council's Trees/Landscape Section raised a number of pertinent issues in respect of the proposed parking arrangements and their potential effect on two existing trees in the pavement immediately outside the site.
13. I saw that the trees in question are prominent features that contribute positively to the street scene in this location. Their height and proximity results in the canopies overhanging the appeal site. It is therefore possible that the roots of the trees also extend into the appeal site. Although some hardstanding is already present, this area would likely be disturbed by excavations and other building activity. New hardstanding would also be required for the parking spaces in front of No 89 and it is likely that some pruning of overhanging branches would be required to provide necessary clearance above these parking spaces. In the absence of an arboricultural impact assessment, I cannot be certain that the development would not be detrimental to the long-term health and retention prospects of the trees, potentially leading to their eventual removal. This is not a matter which could be adequately controlled by planning conditions.
14. Therefore, whilst the scale, design, and layout of the extension element of the proposal would be acceptable, I am not satisfied that the impact on the adjacent trees has been properly considered, to the potential detriment of the character and appearance of the surrounding area. In this regard, there is conflict with Policy DMHB 14 of the Hillingdon Local Plan: Part 2-Development Management Policies 2020 (the DMP) in so far as it expects development proposals to retain and enhance existing landscaping and trees. There is also conflict with the general requirements of DMP Policies DMHB11 and DMHB12 where they require new development to protect features of positive value within and adjacent to the site, and take account of the townscape character and quality of the surrounding area.
15. For the same reason, the proposal is contrary to paragraphs 130 and 131 of the National Planning Policy Framework (the Framework), which states that development should add to the overall quality of the area; and retain existing trees wherever possible, recognising that trees make an important contribution to the character and quality of urban environments.

Appeal B

16. In this scheme the dwelling would be around half the width of the other properties in the terrace and includes an additional smaller projection at the side with a crown roof. The appellant explains that the design aims to comply with the Council's householder extension guidance by making the development appear subordinate to the host building. However, I have already set out above that such an approach would result in a dwelling of incongruous scale and appearance. This would be further exacerbated by the overcomplicated roof design. The result would be a contrived and discordant addition, harming the character and appearance of the host building and surrounding area. However, for the same reasons as Appeal A, I do not share the Council's concerns in relation to a breach of the Warwick Crescent return building line.
17. In terms of trees, the issues I have identified in Appeal A apply equally to this scheme. Thus, I cannot be certain that the development would not harm the trees, to the further detriment of the character and appearance of the area.

18. For all these reasons, I conclude that the development would unacceptably harm the character and appearance of the area. Hence, it would conflict with Policy BE1 of the Hillingdon Local Plan: Part 1–Strategic Policies 2012; Policies DMHB11 and DMHB12 of the DMP; and Policies D3 and D4 of the London Plan 2021 (the LP), which among other things, seek good design and development that positively responds to local distinctiveness, with due regard to existing building forms and proportions, and retains existing landscaping and trees within and adjacent to the site.
19. The proposal is also contrary to paragraphs 130 and 131 of the Framework which states that development should add to the overall quality of the area; and retain existing trees wherever possible, recognising that trees make an important contribution to the character and quality of urban environments.

Parking – Appeals A and B

20. The Council did not object to the access and parking arrangements for the proposed dwelling. I would agree with the Council’s assessment in so far as the number of parking spaces for both the existing and proposed dwellings would be appropriate having regard to the site context and local parking standards set out in Policy DMT6 of the DMP.
21. However, on the evidence that is before me, I am not convinced that the parking space for the proposed dwelling can be safely and efficiently achieved in practice. In the Highway Authority comments referred to in the planning officer’s report it states that both dwellings would utilise the existing access from Warwick Crescent, but that is not the case in the schemes before me. Rather, the proposed dwelling would be served by a new access from the adjacent service lane. Though only a short section of the lane would be utilised, it is narrow, unsurfaced, and not within the appellant’s ownership. It is also unclear how a vehicle could conveniently and safely manoeuvre into or out of the parking space, particularly if any vehicles are parked on the driveway in front of No 87. This leads me to conclude that the means of accessing the parking space for the new dwelling is inherently unsuitable, contrary to a requirement of Policy DMT2 of the DMP.
22. I have considered whether the parking provision could alternatively be met on-street. However, during my site visit there were few, if any, available on-street parking opportunities in the vicinity. Whilst this observation was only a snapshot, I have no other robust evidence to demonstrate that there is sufficient on-street capacity to absorb further parking, especially at peak times. As such, there is no justification to remove the requirements for off-street parking in this case.
23. For all these reasons, I conclude that the development would not make safe and suitable provision for car parking, which is contrary to the access and parking requirements of Policies DMT2 and DMT6 of the DMP.

Accessibility/inclusivity – Appeal A

24. Policy D7 of the LP requires new dwellings to meet the Building Regulation requirements under Part M for accessible and adaptable dwellings. LP Policy D5 is also clearly relevant as it seeks the highest standards of accessible and inclusive design, including that development is convenient and welcoming with

no disabling barriers, providing independent access without undue effort, separation, or special treatment, and with dignity for all.

25. The drawings are annotated to show a 'wheelchair accessible ramp', but this would be to a secondary door at the side of the house rather than the principal access. To my mind, this would be rather undignified for a disabled user. Furthermore, there is a lack of any specific detail on its design and layout, as well as how other doors to outdoor spaces would provide step-free access. I have considered whether the matter could be addressed by a planning condition, but I cannot be certain that any works to achieve compliance would not raise fresh considerations, particularly in respect of the external appearance of the development and parking layout. As such, a condition would not be appropriate.
26. Other internal adjustments sought by the Council's Access officer appear to be relatively minor, such that they could likely have been addressed through planning conditions and the Building Regulations had I been minded to allow the appeal. However, this does not alter my concerns in relation to step-free access.
27. I therefore conclude that the development would not be accessible and inclusive for all users, which conflicts with the requirements of Policies D5 and D7 of the LP.

Other Matters

28. I have noted the neighbour's concerns about potential loss of light and property damage, but as I am dismissing the appeals for other reasons, it has not been necessary to address those matters any further in these decisions.
29. Although the proposals would bring some benefits in the form of providing a new home and making efficient use of land, I consider that these are far outweighed by the harm I have identified and the resultant conflict with the development plan and the Framework as a whole.

Conclusion – Appeals A and B

30. For the reasons given, I conclude that both appeals should be dismissed.

A Caines

INSPECTOR