



Appeal Decision

Site visit made on 25 January 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2022

Appeal Ref: APP/R5510/W/21/3283640

72 Harefield Road, Uxbridge UB8 1PL

- 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 Dempsey of Twiglets Developments Limited against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 25767/APP/2021/491, dated 1 February 2021, was refused by notice dated 5 August 2021.
 - The development proposed is described on the application form as 'demolition of existing dwelling and erection of proposed new flats comprising of 9 dwellings'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with particular regard to outlook and loss of light.

Reasons

Character and appearance

3. The appeal site is formed of a large, sloped plot occupied by a two-storey, detached house, set back from the highway (from which the site is most apparent). The site is situated in a particularly verdant part of the road and its modest scale, together with its front garden and spacing between buildings on either side, contributes to this.
4. Two pairs of period properties exist to the immediate north of the site. The scale and four-storey nature of these properties is something of an anomaly in this part of Harefield Road, where properties are generally consistent in their smaller plot size and two-storey height, giving the area a distinctly suburban character.
5. The ridge level of the proposed development would be increased substantially, to bring it more in line with that of No 74 and above that of Nos 56-60. The currently sloped nature of the front garden would be excavated, with a lower ground floor created and made level with the highway. The building would

ultimately rise to four storeys in height, compared with the existing two storeys.

6. I acknowledge that the proposed development has taken some of its design cues from No 74. However, the scale of these features, which includes the front bays and 'stretched' dual pitch roof arrangement which obscures the crown roof behind, is far in excess of, and out of proportion with, this neighbouring property. Taken as a whole, the proposed building would be viewed as an overly large and bulky feature within the context of the surrounding townscape. Moreover, the proposed development, which would fill substantially more of the width of the site than is currently the case, would reduce the verdancy of this part of the road. This currently provides a welcome relief from the built form further along the road.
7. I note the appellant's reference to the use of 'crown' roofs in the surrounding area, and the fact that the crown roof proposed at the appeal site would be concealed from view behind the dual pitch arrangement at the front of the property. I agree that this element would not be readily visible from any public vantage point. However, this fact does not overcome the harm that I have identified above.
8. I acknowledge the appellant's reference to several nearby development sites, including that at the former Abrook Arms and 178 Harefield Road. I note from the information I have before me that these sites have seen a significant increase in height and bulk compared with what stood before. However, the nature of existing development there, the nature of the proposed schemes, and the surrounding context to those schemes are unique to those particular sites. I note, for example, that No 178 sits in a more varied context adjacent to a substantial nursing home and that the Ambrook Arms site is substantially larger than the site before me (without built form on two sides of it). As such, although I accept intensification may be a legitimate design response to certain circumstances, they are not directly comparable with circumstances here. I have considered the effects of this appeal, including its impact on character and appearance on its own merits.
9. The fact that pre-application advice was sought prior to the submission of the planning application does not change my position and the appeal has been considered based on the plans before me. Pre-application advice is not binding and is no substitute for a formal Council decision.
10. Consequently, the proposal would have a detrimental impact upon the character and appearance of the surrounding area, contrary with the relevant provisions of policy BE1 of the Hillingdon Local Plan Part One – Strategic Policies (2012) and policies DMHB11 and DMHB12 of the Hillingdon Local Plan Part Two – Development Management Policies (2020), which in summary seek a high quality of design in new development which harmonises with the local context, including the need to take into account scale, building plot size and streetscape rhythm, consistent with the relevant provisions of paragraph 130 of the Framework.

Effect on living conditions

11. The development proposed would extend much further into the plot than the existing property does. Built form on the site would increase substantially, both in terms of height and bulk, rising from two storeys to four. For these reasons

the proposed development would undoubtedly change the relationship of the site with neighbouring properties.

12. Several side and rear facing windows exist at No 74. This includes on both the rear outrigger and the main building. Some of these windows are positioned at lower ground level and are therefore already compromised to an extent in terms of daylight and outlook. Whilst I acknowledge that some of these windows serve non-habitable rooms formed of bathrooms or hallways, and others may be secondary, this is clearly not the case in all areas. The proposed development would bring more substantial built form closer to this property than currently exists, to the detriment of the living conditions of the occupiers of No 74.
13. The proposed four storey mass of the main building, including its rear element, would reduce outlook from a number of flats and generally form an overbearing and oppressive feature when viewed from within No 74. This is reinforced by my reasoning in respect of the first main issue; it follows from the proposal being incongruous that it would entail effects to living conditions which are not in line with the prevailing baseline here. The development proposed would also feel overbearing to users of the areas of amenity space that exist to the side and rear of No 74 by reason of the overall height and scale of the proposed development.
14. The appellant contends that the Council's 45-degree test (the method of taking a 45-degree angle from the centre of a window and locating any extension as far from this as possible to reduce impact on occupiers) has been adhered to and as such demonstrates that the proposed development is appropriately set back in terms of outlook. However, such a method is only used as a rule of thumb and would typically be applied in the straightforward assessment of daylight impacts of development proposals (addressed below). Outlook is multifaceted and can only be properly assessed on a site-specific basis. For the foregoing reasons, in this case, outlook would be unacceptably impacted by the proposed development.
15. Although there would be a detrimental impact on the outlook of neighbouring properties, and I acknowledge that there may be some change to levels of light as a result of the proposed development, the angle and position of the development is such that it would not result in any unacceptable impact on the levels of daylight or sunlight received by the occupiers of this property.
16. The relationship between the site and Nos 56-60 would change as a result of the proposed development. However, by reason of the position of these properties and given that no side facing windows would be affected by the proposed works, I do not find that the impact here would be unacceptable in terms of natural light availability.
17. Consequently, the proposal would have a detrimental impact upon the living conditions of the neighbouring properties, contrary with the relevant provisions of policies DMHB11 of the Hillingdon Local Plan Part Two – Development Management Policies (2020), which in summary seeks to protect the amenity of adjacent properties.

Other Matters

18. I acknowledge that the development would result in the delivery of new housing in the Borough, with positive social and economic benefits, as well as the provision of level access where this does not currently exist. I also acknowledge that the proposed development would intensify the use of a small site and increase density in this Outer London location, as promoted by London Plan policies in broad terms. However, these benefits do not outweigh the harm that I have identified above. Neither the support in the development plan, nor Framework, for new housing is at the expense of ensuring good design, and there is no indication that similar benefits could not be achieved via an alternative (and less harmful) scheme.
19. Similarly, I acknowledge the appellant's reference to the internal and external space standards, and overall standard of accommodation proposed. Even were the scheme acceptable in all other respects, for example in respect of the standard of accommodation, those would be essentially neutral in my determination of the appeal.

Conclusion

20. For the reasons given above, having taken account of the development plan as a whole, the approach in the National Planning Policy Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR