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# Appeal Decision

Site visit made on 25 January 2022

**by J Bowyer BSc(Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 08 February 2022**

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**Appeal Ref: APP/R5510/W/21/3285551**

**47 Fairfield Road, Uxbridge UB8 1AZ**

- 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 R Patel against the Council of the London Borough of Hillingdon.
  - The application Ref 21763/APP/2021/2568, is dated 25 June 2021.
  - The development proposed is erection of a new residential building including duplex basement, first and roof accommodation for one replacement dwelling and 5 new dwellings with associated parking, cycle store and bin store including the demolition of the existing house.
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## Decision

1. The appeal is allowed and planning permission is granted for 'erection of a new residential building including duplex basement, first and roof accommodation for one replacement dwelling and 5 new dwellings with associated parking, cycle store and bin store including the demolition of the existing house' at 47 Fairfield Road, Uxbridge UB8 1AZ in accordance with the terms of the application Ref 21763/APP/2021/2568 dated 25 June 2021 subject to the conditions in the attached schedule.

## Preliminary Matters

2. The description of development used by the appellant on the appeal form is consistent with that used by the Council. Consequently, and because it has been used by both parties, I have also used this description for the purposes of the appeal.
3. The appeal relates to a planning application that was not determined by the Council within the prescribed period. In response to the appeal, the Council has prepared an appeal statement outlining its view that permission should be refused. I have had regard to this statement and the suggested reasons for refusal within it in framing the main issues below.
4. I note 2 previous appeal decisions dismissing proposals to replace the existing dwelling on the site with a building containing 6 dwellings<sup>1</sup>. I have taken these decisions into account, although I have determined the appeal having regard to the individual merits of the development that is now before me.

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<sup>1</sup> Appeal references APP/R5510/W/19/3239256 and APP/R5510/W/20/3256295

## **Main Issues**

5. The main issues are (i) the effect of the proposal on the character and appearance of the area; and (ii) whether or not living conditions for future occupiers of the development would be acceptable with particular regard to outlook.

## **Reasons**

### *Character and Appearance*

6. The appeal site is in a prominent corner position at the junction of Fairfield Road with Harefield Road. The majority of buildings on Fairfield Road are detached dwellings, but there are also a number of blocks of flats. The buildings vary in scale, form and appearance, but are generally of two-storey height, in some cases with additional accommodation at roof level, and are usually of traditional designs with sloping roofs, albeit that some of the flatted blocks also include flat roof sections. For the most part, the buildings are set back from the street on relatively generous plots, and these factors result in an attractive and fairly spacious character and appearance to the street scene. The closest part of Harefield Road also includes a mix of a few larger flats or non-residential buildings alongside mostly two-storey dwellings. However, the presence of semi-detached and terraced properties on narrower plots and the closer proximity of many buildings to the street results in a tighter urban grain here, and the street scene is not quite so spacious as Fairfield Road.
7. The proposed building would be much larger than the existing dwelling on the site and would also be larger than other two-storey dwellings nearby, including as a result of a fairly large flat roof section that would add significant bulk to the roof level. However, the fenestration and addition of modest dormer windows, and use of facing brick to the ground-floor and tile hanging to the first-floor level would add visual relief and interest to the building, and would lessen the impression of overall scale. The stepped footprint and slight set down to the central section of the roof would also help to break up its overall mass, and despite the width and depth of the building's elevations, I do not consider that it would appear unacceptably bulky or imposing. In addition, there is notable variety in the scale and form of development nearby, and its size would not be out of keeping with other larger buildings on Fairfield Road and Harefield Road, some of which also include flat roof sections. I do not therefore consider that the roof design or larger size of the building would in itself be inappropriate or conspicuous.
8. Moreover, the building would be of slightly lesser width than the neighbouring dwellings at 43 and 45 Fairfield Road, and its roof would be no higher than No 45. Having regard also to the wider variety in the street scene, I am satisfied that the contrast in overall scale with these dwellings would not be discordant. The suggested external finishes would also reflect the materials of other development in the vicinity of the site, and while I note that buildings in the area often feature gables, this is not uniform. The lack of gables to the development would not therefore stand out as incongruous. The position of lightwells at ground level also means that they would not be conspicuous in views from the street scene. The development would be of different appearance to its immediate neighbours, but I consider taking these factors into account that it would assimilate suitably with its surroundings, contributing to the existing visual interest and diversity of the area.

9. The development would increase the coverage of the site by built form, and the space currently afforded between the dwelling on the site and Harefield Road would be reduced. However, there would remain an appreciable gap between the development and Harefield Road, and the spacing to the sides of the building would not be dissimilar to gaps that I saw to the sides of other buildings nearby. The proposal also includes a generous set back to the front of the building from Fairfield Road and there would be amenity space of reasonable depth to the rear of the building. In my assessment, this would be sufficient to balance the built form and provide a suitably spacious setting to the development. Furthermore, the building line along Harefield Road is not uniform. While the development would be closer to Harefield Road than buildings immediately to the front and rear of the site, the difference would not be so large that I find the resulting relationship with this street would be jarring, nor that the characteristic spaciousness at this corner would be harmfully eroded.
10. I appreciate that the site is in a prominent location and at a higher land level than both Fairfield Road and Harefield Road, but the fact that the development would be visible is not in itself an indication of harm. For the reasons above, I am satisfied that the development would sit comfortably on its plot and within its context, and I find that the proposal would make effective use of the site without undermining or detracting meaningfully from the spaciousness of the area or the overall rhythm of either street scene.
11. I therefore conclude that the proposal would not cause unacceptable harm to the character or appearance of the area, and I find no conflict with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies 2012, Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 (LPP2) or Policy D3 of the London Plan 2021 (LP). Amongst other things, these policies require high quality design, and development that harmonises with the local context and that enhances distinctive local character. Similarly, I find no conflict with the National Planning Policy Framework (the Framework) insofar as it seeks well-designed places and development that is visually attractive and sympathetic to local character.

#### *Living Conditions*

12. Flats 1 and 2 would each include a bedroom at basement-level which would rely on lightwells for natural light and outlook. However, the reasonable depth and relatively generous width of the lightwells and the adjoining open amenity space to the front of the building beyond would in my view be sufficient to avoid an undue sense of enclosure and to provide adequate outlook to the rooms. Moreover, the main living accommodation would be situated at the ground-floor level of these dwellings, and I am satisfied that the overall standard of accommodation would offer a suitable quality of life for occupiers.
13. The kitchen/living room to Flat 5 would be broadly 'L-shaped' with one dormer window to the side of the building's roof and one to the rear serving each of the perpendicular sections. Given the position of the side dormer relative to No 45 and potential for views down onto the closest part of its garden, I agree with the Council that it would be necessary for this window to be fully obscure glazed and its opening restricted in order to prevent loss of privacy, either actual or perceived, for neighbouring occupiers. This would restrict outward views from the window, but the dormer to the rear would provide an alternative source of outlook

for the room. I acknowledge that this would not be in line of sight from the whole of the kitchen/living room, but the space is not so large that I consider the resulting internal environment would be oppressive, particularly given that there would also be a rooflight that would offer some open aspect towards the sky. I do not therefore find that the lack of direct outlook to part of the room would detract meaningfully from the living conditions of occupiers of Flat 5.

14. I therefore conclude on this main issue that living conditions for future occupiers of the development would be acceptable. Accordingly, I find no conflict with Policy DMHB 16 of the LPP2 or Policy D6 of the LP which broadly seek appropriate living environments for occupiers of development, and require, amongst other things, consideration of opportunities for visual interest and views from dwellings. It would also accord with the Framework insofar as it requires a high standard of amenity for future users of development.

### **Other Matters**

15. Having regard to the justification presented by the appellant including the design implications of providing lift access, I agree with the Council that the lack of a lift to serve the development would not in this case be unacceptable.
16. Given the small scale of the development, it would be unlikely to have any significant effect on levels of traffic or congestion locally. The application form and some of the submitted plans suggest alterations to the access to the site from Fairfield Road, but the appellant's Transport Statement advises that the existing site access would be retained with no amendment to the dropped kerb, although there would be a wider front boundary opening. The Council's Highways Officer advises that this would be acceptable, and based on my observations at my visit and in the absence of substantive evidence that the access to the site or the position of the development would harm the safety of users of the access, other road users or pedestrians; I agree.
17. Provision of parking on the site would be below adopted standards, but the appellant's evidence indicates that there would be capacity to accommodate parking on-street. Moreover, the Council refers to the standards as maximums, and there is no clear evidence before me that the development would unacceptably increase on-street parking to a level that would cause congestion, detriment to highway safety or other harm. I therefore see no reason to take a different view to the Council who have not raised concern in relation to parking.
18. The primary outlook from glazing to the rear of the building would be along the rear of the site towards the side of 50 Harefield Road which does not include windows above the height that would be screened by boundary treatment. While views towards the frontage of this neighbour and surrounding gardens would be possible, the relationship would not be unusual within a residential area such as this, and subject to a condition to require obscure glazing and restrict opening of windows to the side of the building facing No 45, I do not consider that the relationship of the building with surrounding properties would result in unacceptable overlooking or loss of privacy. Notwithstanding its increased scale, I am also satisfied that the layout of the development and separation to adjacent properties would be sufficient to ensure that it would not unduly enclose or dominate outlook for neighbouring occupiers nor cause significant loss of light. The site would remain in residential use, and with regard to the spacious plots to surrounding buildings and the scale of the

development, I do not consider that the level of activity associated with 6 dwellings would be likely to result in unacceptable noise or disturbance.

19. I note there is a row of trees along the verge to Harefield Road adjacent to the site, but the Council indicates that these are not protected, and has not raised the effect of the proposal on trees during construction or occupation of the development as a concern. With regard to the contribution that trees on and neighbouring the site make to the character and appearance of the area and the evidence before me, I have no firm reason to take a different view.
20. Interested parties comment that more than 10% of properties on Fairfield Road are flats. However, from my observations of the area around the appeal site, I do not consider that the proposal would result in an unacceptable proliferation of flats on this part of the street, and I further note that permission has in any event been granted for the appeal dwelling to be occupied as flats. Each application and appeal must also be determined on its individual merits, and given that I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites nearby.
21. There is no firm evidence to suggest that there is insufficient capacity in local services to meet needs generated by the development, nor that the proposal would suffer inadequate drainage. Any impacts during development works would be short-term and could be mitigated by careful construction management secured by an appropriately worded condition, and any damage to property during or after construction would be a private matter between the parties involved.
22. I note a petition submitted objecting to the proposal and I have taken into account representations by interested parties. However, I am satisfied that none of the other matters raised, either individually or collectively, would result in a level of harm that would justify dismissal of the appeal, and they do not alter my findings on the main issues.

### **Conditions**

23. The Council has not suggested conditions in response to the appeal, however, I have noted references to a number of conditions within its report on the application, and I have considered the requirement for conditions having regard to the tests at paragraph 56 of the Framework.
24. I have imposed the standard time limit condition (1) and a condition specifying the approved plans (2) for the avoidance of doubt and in the interest of certainty. I have attached conditions to require details of how construction will be managed (3) and provision for drainage (4) in the interests of the living conditions of neighbouring occupiers, highway safety and flood risk. These are pre-commencement conditions as details need to be agreed before any works take place to ensure that they are effective, and the appellant has agreed to their wording. However, given the scale of the development and relationship with neighbouring dwellings, I am not persuaded from the evidence before me that it would be necessary or reasonable in this case to require a specific basement impact assessment as alluded to in the Council's report.
25. I also consider that conditions to require details of external materials (5) and provision for landscaping (6) are necessary to ensure a satisfactory appearance. A condition to require provision of suitable visibility to the access

(7) is necessary in the interests of highway safety. Conditions to require provision of parking and for electric vehicle charging (8), the storage of cycles and refuse and recycling (9), energy and water efficiency (10) are necessary in order to ensure a satisfactory appearance, in the interests of promoting sustainable travel and to comply with requirements within the development plan. I have also imposed a condition controlling the condition of windows to the side of the building (11) that I have found to be necessary to avoid harmful overlooking to neighbouring occupiers.

## **Conclusion**

26. For the reasons given above, I find that the proposal would accord with the development plan when it is read as a whole, and material considerations do not indicate that a decision contrary to the development plan should be reached. I therefore conclude that the appeal should be allowed.

*J Bowyer*

**INSPECTOR**

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended under the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: FR47-AP4-1001, FR47-AP4-1002, FR47-AP4-1003, FR47-AP4-1004, FR47-AP4-1005, FR47-AP4-1006, FR47-AP4-1007, FR47-AP4-1008, FR47-AP4-1009, FR47-AP4-1010, FR47-AP4-1011, FR47-AP4-1012, FR47-AP4-1013 and E0819-T.
- 3) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall detail:
  - i) access arrangements and the parking of vehicles of site operatives and visitors;
  - ii) loading and unloading of plant and materials;
  - iii) storage of plant and materials used in constructing the development;
  - iv) measures to control the emission of dust and dirt during the demolition and construction process; and
  - v) delivery, demolition and construction working hours.The approved Construction Method Statement shall be adhered to throughout the duration of the demolition and construction period for the development.
- 4) No development shall take place including any works of demolition, until a scheme for the provision of sustainable water management and drainage within the site has been submitted to and approved in writing by the Local Planning Authority, including a timetable for implementation and arrangements for management and maintenance. The development

shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 5) No development above proposed ground level shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and shall be permanently retained as such thereafter.
- 6) No development above proposed ground level shall take place until a detailed scheme of hard and soft landscaping to include details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, a programme of implementation and a programme of maintenance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details and programme of implementation and thereafter maintained in accordance with the programme.
- 7) No development above proposed ground level shall take place until details of visibility splays for the access to the site from Fairfield Road have been submitted to and approved in writing by the Local Planning Authority. The visibility splays shall be provided in accordance with the approved details before the development is first occupied, and shall be permanently retained as such thereafter.
- 8) Prior to first occupation of the development hereby permitted, details of the provision of 2 active and 1 passive electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The electric vehicle charging points and parking and turning areas for vehicles within the site shall be laid out in accordance with the approved details and with the arrangements illustrated on plan no FR47-AP4-1004 before the development is first occupied, and shall be permanently retained as such thereafter
- 9) Prior to first occupation of the development hereby permitted, full details of (i) cycle storage and (ii) refuse and recycling storage as illustrated on plan no FR47-AP4-1004 shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking and refuse and recycling storage shall be provided in accordance with the approved details before the development is first occupied, and shall be permanently retained as such thereafter.
- 10) Prior to first occupation of the development hereby permitted, full details of measures to minimise (i) carbon dioxide emissions and (ii) water consumption shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first occupied, and shall be permanently retained as such thereafter.
- 11) Prior to first occupation of the development hereby permitted, the first-floor and second-floor level windows in the side elevation facing 45 Fairfield Road shall be fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in

which it is installed shall be capable of being opened, and the windows shall be permanently retained as such thereafter.