



Appeal Decision

Site visit made on 16 January 2024

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 30.01.2024

Appeal Ref: APP/R5510/W/23/3327272
170 Harefield Road, Uxbridge UB8 1PP

- 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 Toast Developments against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 23469/APP/2022/3593, dated 24 November 2022, was refused by notice dated 10 March 2023
 - The development proposed is the erection of a new 3 bedroom bungalow with dormers and rooflights serving accommodation in the roof on land to the front of existing dwelling; garden and bike stores in garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The amendments of the National Planning Policy Framework were published in December 2023. These amendments do not alter the basis upon which this appeal has been assessed.
3. The appellant and the Council refer to a previous appeal decision for a similar form of development on the site. However, the full details of the previous proposal have not been provided. Only extracts of this decision are included in the evidence together with the parties identifying the differences between the previous and current appeal schemes. Accordingly, although regard has been had to the evidence provided, this appeal has been assessed based upon its own circumstances.

Main Issues

4. It is considered that the main issues are the effects of the proposed development on (a) the character and appearance of the surrounding area, including the streetscene, and (b) the living conditions of the occupiers of 170 and 172 Harefield Road and the future occupiers of the appeal scheme.

Reasons

Character and Appearance

5. The appeal site comprises what is now an area of land enclosed by a timber fence with its last use being part of the front garden of 170 Harefield Road. Nos. 170 and 172 are a pair of semi-detached dwellings which are set well back from Harefield Road and their access drives form the side boundaries of the

site. The appellant has identified that sub-division of residential plots has occurred elsewhere within the surrounding area whereby dwellings have been erected in gardens and some of the resulting plot sizes are comparable with the appeal site. However, in the absence of details about their specific planning circumstances, limited weight is given to these other schemes in the determination of this appeal.

6. The streetscene along Harefield Road includes a mix of terraces, semi-detached and detached dwellings together with larger buildings comprising flats and a care home. There are also variations in the relationship of these dwellings and buildings to the road, including examples of backland development. However, from what could be observed during the site visit, and by reference to the appellant's context drawings, the dwellings generally sit within generously sized plots and they are set back from the road to the rear of landscaped front gardens also used for parking. The denser development referred to by the appellant associated with apartment buildings and the care home do not alter this assessment concerning the characteristics of the surrounding area and the streetscene.
7. The front elevation of the proposed bungalow, which would have accommodation within the roofspace, would be set back from the road a similar distance to Nos 164, 166, 174 and 174A. In principle, the siting of the proposed bungalow with its associated front garden would not be out of character with these other dwellings fronting the road albeit it would still be a prominent building within the streetscene. The type of dwelling proposed would also reflect other near-by bungalows.
8. However, the size of the appeal site would be amongst the smallest residential plots along this part of Harefield Road and, although reduced in scale from the previous proposal, the appeal scheme would appear a cramped form of development when viewed from the road. The side elevations of the proposed bungalow would be sited close to the boundaries with the access. Although satisfying the required standard, the private amenity space would be of a modest size when compared to other gardens. For these reasons, the proposed development would fail to respect the spacious and verdant character and appearance of the surrounding area and this unacceptable harm is accentuated by the bungalow's prominent siting within the streetscene. The development density of the appeal scheme claimed by the appellant does not alter this assessment.
9. A cross section across between the road and Nos. 170 and 172 has been provided by the appellant to illustrate the change in ground levels across the site which was also observed during the site visit. The proposed bungalow would be sited at a lower ground level than this pair of semi-detached dwellings which, although sited well back from the road, do make a positive visual contribution to the character and appearance of the streetscene.
10. By reason of siting and height, the proposed development would obscure some views of Nos. 170 and 172 but the upper floors would still be visible. There would be views of these dwellings available across the garden of No. 168. Although there would be an effect on some views towards these dwellings this matter alone would not be a reason for this appeal to fail only adds in a limited way to the unacceptable harm which has been identified.

11. On this issue it is concluded that the proposed development would cause unacceptable harm to the character and appearance of the surrounding area, including the streetscene, and, as such, it would conflict with Policies BE1, DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan (HLP) and Policy D3 of the London Plan (LP). Amongst other matters, these policies include proposals being of a high quality design to harmonise with the local context and inappropriate development in gardens should not erode the character of suburban areas.

Living Conditions

12. When compared to the previous scheme, the evidence indicates. that there is a greater separation distance between the front elevations of Nos 170 and 172 and the rear elevation of the proposed bungalow. Other than a large window serving the lounge, the other openings within the proposed rear elevation and roof could be obscurely glazed with limited openings that could be secured by a suitable condition.
13. The design of No. 170 is such that the front elevation includes a 2-storey bay with windows which have the appearance of serving habitable rooms. There is a further window above the front door. The separation distance claimed by the appellant between the ground floor habitable room windows of the proposed bungalow and No. 170 would be just over the 21 metres. However, the measurement point provided on the cross section (Drawing No 112/D) does not appear to be aligned with the ground floor bay window of No. 170. From what could be observed the separation distance, even measured at an angle, would appear to be closer to the circa 18 metres referred to by the Council. The first floor bay window of No. 170 would be some 19 metres from the rear roofslope of the proposed bungalow. No separation distance between the site's rear boundary and the front elevation of No. 170 is provided in the evidence but it appears to be no more than around 7 metres.
14. By reason of the sloping land and the screening effect of the fencing along the rear boundary of the site (which could be retained and maintained by a suitable condition), any outlook from or towards the ground floor windows of No. 170 and the proposed bungalow would be limited. However, there would still be a potential outlook from the garden and the lounge window of the proposed bungalow towards the first floor bay window of No. 170 and, to a lesser degree, No. 172. For the occupiers of Nos 170 and 172 there would at least be the impression of overlooking from the proposed development and an associated loss of privacy.
15. Further, although some overlooking in urban areas can be expected, such as that which may exist for some of the surrounding properties as referred to by the appellant, there would be a clear outlook from the first floor windows of Nos. 170 and 172 towards the rear garden of the proposed bungalow. There would also be an outlook from No. 170 towards the proposed large rear lounge window. Accordingly, because of overlooking from the first floor windows there would be a lack of privacy for the future occupiers of the proposed development and this would adversely affect their living standards.
16. Although there are existing trees along the rear boundary, there can be no certainty that they would be retained. Further, the normal time period for a landscaping condition requiring the replacement of dead or dying plants and trees is only 5-years. For these reasons, tree planting would not be effective in

the long term to provide effective screening to protect the privacy of both the occupiers of Nos. 170 and 172 and the future occupiers of the appeal scheme.

17. The Council has not identified that unacceptable harm would be caused by the appeal scheme to the occupiers of Nos. 174 and 207 and there are no reasons to disagree with this assessment based upon what could be observed during the site visit. However, even when taken together with the absence of intervisibility between the ground floor windows of No. 170 and the proposed bungalow, this does not outweigh the unacceptable harm which has been identified.
18. For the reasons given, it is concluded that the proposed development would cause unacceptable harm to the living conditions of the occupiers of 170 and 172 Harefield Road and the future occupiers of the appeal scheme and, as such, it would conflict with HLP Policy DMHB 11 which refers to proposals not adversely impacting on the amenity of adjacent properties.

Other Matters

19. A number of other matters have been raised by local residents, including access, highway safety, parking and flood risk, but they do not alter the main issues which have been identified. Accordingly, it is concluded that this appeal should be dismissed.

D J Barnes

INSPECTOR