



## Appeal Decision

Site visit made on 19 September 2023

**by L Francis BA (Hons) MA MRTPI**

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

**Decision date: 07 November 2023**

**Appeal Ref: APP/R5510/W/22/3309332**

**20 Nicholls Avenue, Uxbridge, Hillingdon UB8 3JL**

- 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 Kamran Sadiq against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 28460/APP/2022/1536, dated 22 July 2022, was refused by notice dated 28 September 2022.
- The development proposed is the demolition of existing building and erection of 1 x 2-storey dwelling, incorporating basement.

### **Decision**

1. The appeal is dismissed.

### **Main Issues**

2. The main issues are:

- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the living conditions of the neighbouring occupier at 22 Nicholls Avenue with regard to outlook and light.
- Whether the proposed accommodation would provide acceptable living conditions for future occupiers with regard to the outlook from bedroom 5.

### **Reasons**

#### *Character and appearance of the area*

3. The existing property is a bungalow with rooms in the sloping roof space. It is set within a run of similar properties, some of which have first floor side dormers. The opposite side of the road also contains similar single storey or chalet style houses. The street is reasonably wide and has a very open character derived from the single storey and chalet style dwellings in generous plots, which maintain a largely uniform eaves and roof ridge height. This has the effect of maintaining a very regular character and appearance to a significant section of the street.
4. Whilst I acknowledge that the architectural composition of the appeal scheme would be like other existing 2 storey houses on the street, they are located in a distinct group towards the junction with Uxbridge Road, which is away from the appeal site. The appeal site's context is the long run of single storey and chalet style houses between 2 to 24 Nicholls Avenue.

5. Despite maintaining the typical pattern of plot coverage, front building line and width, the ridge and eaves height of the proposed house would be taller than the prevailing heights to either side. Because of the appeal site's location amongst a run of houses with such uniform roof ridge and eaves heights, the effect of the proposal would be to disrupt the rhythm and uniformity of this pattern. Due to its height, the building would also appear overly dominant in relation to the houses immediately surrounding the appeal site. Consequently, the form of development proposed would harm the character and appearance of the area.
6. The proposal would therefore run contrary to policy DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), which, amongst other things, seeks to ensure new development harmonises with the local context. It would also run contrary to policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) which, amongst other things, seeks to achieve high quality design in new buildings, along with achieving an appropriate layout, form and scale.
7. I note the council also refer to policies DMHB 1 and DMHB 12 of the Hillingdon Local Plan in their reasons for refusal. DMHB 1 specifically relates to household extensions and alterations, and policy DMHB 12 is focused on the public realm and does not directly address the issue in dispute. Consequently, neither of these policies are directly relevant to the development proposed.

*Living conditions of neighbouring occupiers*

8. A ground floor bedroom window to No. 22 Nicholls Avenue faces onto the flank wall of the appeal site. Given the proposed dwelling's proximity and height in relation to the bedroom window, an unacceptable loss of daylight and potentially sunlight would also occur. The appellant's suggestion that there would not be any harmful impact on daylight or sunlight has not been substantially evidenced.
9. I acknowledge that there is already a restricted outlook to this window given its position relative to the appeal property. The increase in eaves height on the appeal site's boundary would, however, have the effect of further restricting its outlook, making the occupiers feel more enclosed. I find therefore that the proposed house due to its height and relative position to no. 22 Nicholls Avenue, would result in harm to the living conditions of the occupiers of no. 22.
10. The harm I have identified runs contrary to policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (2012) and policy DMHB 11 of the Hillingdon Local Plan: Part 2 – Development Management Policies (2020), both of which, amongst other things, seek to ensure that new development does not adversely impact the amenity of surrounding properties.

*Standard of proposed accommodation*

11. The room labelled bedroom 5 on the first floor would be lit by a rooflight. The proposed plans show that there would be an additional 5 rooms capable of being used as bedrooms that are a suitable size and lit by conventional windows, with an outlook to the street or rear garden. Given the size and layout of the proposed house, I do not consider that the rooflight to bedroom 5 would compromise the overall standard of accommodation to a degree that would be harmful or would conflict with the aims of policy D6 of the London

Plan 2021 to deliver housing of a high-quality design, providing adequately sized rooms with comfortable and functional layouts. Similarly, policy DMHB 11 of the Hillingdon Local Plan: Part 2 (2020) refers more generally to the principles of good design and ensuring that the internal design and layout maximises sustainability and is adaptable. Whilst I have found in favour of the appellant on this issue, it is a neutral consideration that weighs neither for nor against the proposal.

#### *Planning Balance*

12. I acknowledge that the appeal proposal would provide a good standard of accommodation in line with the standards set out in the development plan and would also contain energy efficient features. Furthermore, the appeal proposal would involve the redevelopment of an existing small, brownfield site, for which there is both local and national policy support. However, the harm I have identified to the character and appearance of the area and to the living conditions of neighbouring properties outweighs the identified benefits.

#### **Other Matters**

13. I note that both main parties refer to the height of the appeal proposal being reduced when compared to a previous planning application. This matter has little bearing on my consideration of the appeal and I have determined it on its own merits.

#### **Conclusion**

14. The development is contrary to the development plan read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. The appeal is therefore dismissed.

*L Francis*

INSPECTOR