



Appeal Decision

Site visit made on 25 October 2001

by **Robert Maxwell** MSc DA(Edin) RIBA MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

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Appeal Ref: APP/R5510/A/01/1069753

Land adjoining 25 Pringlestone Close, Harmondsworth, Middlesex

- 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 Bhuller against the decision of the Council of the London Borough of Hillingdon.
- The application (Ref.40321/APP/2001/766), dated 6/04/01, was refused by notice dated 1/06/01.
- The development proposed is the erection of a 2-storey, 1-bedroom house with ancillary car parking spaces.

Summary of Decision: The appeal is dismissed.

Main Issues

1. The main issues in this case are:
 - (a) the effect of the proposal on the character and appearance of the area;
 - (b) the implications for the neighbours' living conditions with particular reference to sunlight and daylight, and;
 - (c) the implications for the future occupants of the proposed dwelling with particular reference to aircraft noise.

Planning Policy

2. The development plan for the area is the Hillingdon Unitary Development Plan (UDP), adopted in 1998. Within the UDP, Policy BE19 seeks to ensure that proposals for new development within a residential area would complement or improve the amenity and character of the area. Policy BE21 seeks to ensure that proposals for new development would not result in a significant loss of residential amenity because of their siting, bulk and proximity to existing dwellings. Policy OE5 seeks to ensure that proposals for noise-sensitive development, such as family housing, would not be sited in areas where the occupants would be, or may be expected to be, subject to unacceptable levels of noise or vibration. The policy advises that where development is acceptable in principle, it will be necessary to establish that the building can be sited, designed and insulated from external noise or vibration sources to appropriate national and local standards. Account will also be taken of any changes in noise levels which are likely to occur within a 10-15 year period following the date on which the application is made.

Reasons

3. The appeal site is a triangular area of open land between two short blocks of terrace houses which are situated at right-angles to each other. A shared drive between the two terraces gives vehicular access to four parking spaces which lie behind the dwellings.
4. The proposal would erect a 2-storey house abutting the flank wall of No. 25, an end-of-terrace house which has been converted into two self-contained flats. The applicant contends that the proposal is similar to a scheme for a one-bedroom house with ancillary car parking spaces on the appeal site which was approved by the Council in 1987 (Ref: 40321/87/1048). The proposal was not implemented and the permission has now lapsed. However, the appellant argues that there have been no significant changes to the Council's policies in the intervening period and that the permission should be renewed.
5. The appellant has not submitted any evidence to support the claim that the Council's policies were largely unchanged when the UDP was adopted. However, I note that three separate applications for a similar proposal for the appeal site were refused by the Council in the period between 1996-1997 when the UDP was at a late stage in the process towards formal adoption. It seems to me to be likely, therefore, that the housing policies in the adopted UDP have been significantly strengthened.

Issue (a) – character and appearance

6. I observed on my site inspection that the existing housing development in Pinglestone Close largely comprised short terraced blocks of dwellings under a single roof and were largely similar in their character and appearance. The proposed dwelling would be set back behind the building line of the adjoining terrace and would have a hipped roof which would be at right angles to and separate from that of the main building. As a result, it seems to me that the new dwelling would seem unrelated to the adjoining terrace houses and out of keeping with the general character and appearance of the residential development in the surrounding area.

Issue (b) – sunlight and daylight

7. I observed on my site inspection that the proposed dwelling would completely block the landing window and a small ground floor window in the flank wall of No.25. The new house would project 2.4 metres beyond the north facing, main rear elevation of No.25. Because it would be situated to the west of the existing dwelling, it is likely that there would be a significant reduction in the levels of sunlight and daylight within the first floor flat of No. 25 and, in my opinion, the living conditions of the occupants would be harmed.

Issue (c) – aircraft noise

8. The Council has drawn attention to their draft Supplementary Planning Guidance – Noise, published in 2000. The proposed development is situated in an area immediately north of Heathrow International Airport which is defined as being within Noise Exposure Category C. In this area, the Council considers that planning permission for housing development should not be granted unless there are no alternative quieter sites available. In this event, the Council would expect noise protection measures to be implemented to ensure that the Council's recommended internal noise levels are met.

9. The proposed dwelling would have a gross floor area of approximately 60 sq metres. An unusual feature of the house is that it would only have one very large bedroom and a bathroom on the first floor. In determining the application the Council has assumed that the first floor would be sub-divided into 2 bedrooms and it seems to me that it would be reasonable to assume that the proposal could be used as a family dwelling in the future.
10. With this in mind, it seems to me that the scheme would be contrary to the Council's objectives which seek to site family dwellings in areas less affected by aircraft noise. In this case, there has been no suggestion that alternative quieter sites for single family houses are not available. The occupants of the dwelling would be affected by the noise of air traffic at Heathrow and I can therefore find no reason to justify the granting of planning permission in this case.

Conclusions

11. I have taken account of all other matters raised but have found nothing to outweigh the planning considerations which have led to my conclusions that the proposal would be contrary to Policies BE19, BE21 and OE5 of the development plan.

Formal Decision

12. In exercise of the powers transferred to me, I dismiss the appeal and refuse planning permission.

Information

13. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court within 6 weeks from the date of this decision.

Robert Maxwell.