



Appeal Decision

Site visit made on 14 May 2024

by **Chris Couper BA (Hons) Dip TP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4th June 2024

Appeal Ref: APP/R5510/W/23/3334251

Land adjacent 1 Clovelly Avenue, Ickenham, Hillingdon UB10 8PR

- 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 Abdul Hakim Dadajan against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 50334/APP/2023/946, dated 30 March 2023, was refused by notice dated 31 May 2023.
- The development proposed is the erection of a new detached dwelling with car parking space and private amenity.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The revised National Planning Policy Framework was published in December 2023 ('Framework'). Having regard to the main issues in the appeal, there are no material differences between it and the now superseded version. It is therefore the current version that I refer to in my reasoning, rather than the superseded one which was in place at the time of the Council's decision.

Main Issues

3. The main issues are:

- the effect of the proposal on adjacent occupiers' living conditions, with particular regard to overlooking of, and overbearance to, 2 and 4 Burnham Avenue, and to the size of the rear garden at 1 Clovelly Avenue; and
- the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

4. The proposed dwelling would be set back from Clovelly Avenue and there would be no habitable room windows in its side walls. However, its rear face would include a door and kitchen window at ground floor and bedroom windows in the floor above. Given the plot's dimensions and its tapering shape, those openings, particularly towards the eastern corner of the building, would be very close to the rear boundary shared with 2 and 4 Burnham Avenue. The Council calculates that, at its closest point, the distance from the proposed building to that boundary would be just 0.5 metre.

5. As a result, there would be direct overlooking at very close quarters from the upper floor habitable room windows in the rear face of the proposed dwelling to the end of those two properties' rear gardens, and a general loss of privacy within them. Additionally, given the proposed dwelling's two storey form and its siting relative to that boundary, it would loom over those gardens, causing a significant overbearing impact.
6. Whilst a degree of overlooking and enclosure is commonplace in suburbs such as this, the impacts on those adjacent occupiers' living conditions in this case would be significantly harmful, and at odds with prevailing amenity levels in the area.
7. Turning to garden sizes, Hillingdon Local Plan Part Two: Development Management Policies (2020) ('HLPP2') Policy DMHB 18, and Table 5.3 to which it refers, set out that two or three bedroom dwellings shall be provided with a minimum 60 sqm of private amenity space. The proposed new dwelling would comply with that. However, the appeal site was formerly part of the garden at 1 Clovelly Avenue ('No 1') before it was sold to the appellant. The Council calculates that the retained garden at No 1 is around 55sqm which, it says, therefore fails to meet the required standard.
8. I note that the retained garden at No 1 is fairly small, and that it would be reduced further if a rear extension, which benefits from a certificate of lawful development, is built. However, it provides an adequately sized and proportioned space for its occupants to sit outside or perform domestic tasks, such as hanging washing. As evidenced by the proposed location plan, rear garden sizes in the area are varied, and I am not persuaded that No 1's retained amenity space is markedly at odds with its context.
9. Additionally, as the appeal site is in separate ownership from No 1, even if the appeal were to be dismissed it would not necessarily follow that the land would revert to forming part of No 1's garden. I am not therefore persuaded that the proposal would result in poor living conditions for the occupants of No 1. Given that HLPP2 Policy DMHB 18 applies to new dwellings it is, in any event, of limited relevance on this issue.
10. However, for the above reasons, the scheme would significantly harm the living conditions at 2 and 4 Burnham Avenue. It would thus conflict with that part of HLPP2 Policy DMHB 11, and Framework paragraph 135 f), which require proposals to not adversely impact adjacent properties' amenities.

Character and appearance

11. The proposed dwelling would face Clovelly Avenue, and would be set back a similar distance from it compared to other dwellings in this part of the streetscene; and with gaps to the buildings either side. Whilst most of the properties in Clovelly Avenue are semi-detached, there is a detached house at No 5, whose form and proportions this scheme would broadly match. The building's style and finish would also reflect other houses in the road.
12. Although the proposed dwelling would be sited very close to the rear boundary of the plot, and it would have an uncharacteristically short rear garden, those impacts would not be prominent from public vantage points, and the scheme would not appear markedly incongruous or out of place.

13. Given its siting to the side of No 1, whilst the site was formerly part of that property's garden, the scheme would not constitute backland development as referred to in HLPP2 Policy DMH 6, and it would maintain local character, thus complying with the broad thrust of that policy.
14. For these reasons, the scheme would broadly fit in with the character and appearance of the area. On this issue, it would not therefore conflict with HLPP2 Policies DMHB 11 and DMHB 12; Policy BE1 of the Hillingdon Local Plan Part One: Strategic Policies (2012); and Policy D3 of the London Plan (2021) ('LP'). Amongst other things, and in general terms, these require development to be designed to the highest standards, and to harmonise with, or enhance, its local context, taking account of matters such as scale, height, plot sizes, plot coverage and street patterns.
15. It would also comply with the requirement for development which is sympathetic to local character and the surrounding built environment at Chapter 12 of the Framework.

Other matters

16. I note the appellant's dissatisfaction with the Council's handling of his application, including its alleged failure to negotiate or to respond to correspondence. However, notwithstanding that, I have dealt with the scheme before me on its planning merits.
17. I have no cogent evidence that there is a security issue in the area, or that the scheme would improve it. In its favour, the scheme would contribute to the supply of housing, with a family-sized home, which would be easily accessible from Ickenham Station. However, as just one dwelling would be provided, I have apportioned limited weight to this benefit.

Conclusion

18. I have found that the proposal would not significantly harm the character and appearance of the area, and that it would not result in poor living conditions at 1 Clovelly Avenue. However, it would have a significantly harmful impact on the living conditions at 2 and 4 Burnham Avenue.
19. The scheme's limited public benefits would not outweigh the significant harm that it would cause. It would conflict with the development plan when considered as a whole and, having regard to all other matters raised, including representations by interested parties, the appeal is therefore dismissed.

Chris Couper

INSPECTOR