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## Appeal Decision

Site visit made on 11 March 2025

by **B J Sims BSc (Hons) CEng MICE MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 March 2025

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**Appeal Ref: APP/R5510/W/24/3353718**

**110 Apple Tree Avenue, Uxbridge, Hillingdon, UB8 3PX.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Mr Alan Palmer against the decision of Hillingdon London Borough Council.
  - The application Ref is 56013/APP/2024/205.
  - The development proposed is the erection of 1 No semi-detached, two-storey dwelling with associated amenity space and car parking, following demolition of existing side extension and outbuilding.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 No semi-detached, two-storey dwelling with associated amenity space and car parking, following demolition of existing side extension and outbuilding, at 110 Apple Tree Avenue, Uxbridge, Hillingdon, UB8 3PX, in accordance with the terms of the application Ref 56013/APP/2024/205, and subject to the conditions set out in the Appendix to this decision.

### Procedural Matter

2. The description set out above is taken from the refusal notice as most aptly identifying the appeal proposal.

### Main Issues

3. The main issues relate to the character and appearance of the site and surrounding area and the availability of private amenity space.

### Reasons

#### *Character and Appearance*

4. The area surrounding the appeal site is characterised by a mix of semi-detached and terraced dwellings. No 110 Apple Tree Avenue comprises one of a pair of semi-detached houses with a substantial side garden, adjacent to the junction of Violet Avenue. The property shares a side boundary with No 29 Violet Avenue and the front boundaries of both are partly angled back to form a splay. This is repeated on the opposite side of Violet Avenue, creating sense of space and openness in this part of the street.
5. No 29 Violet Avenue has a side extension, as do other corner properties in the area, where various domestic additions extend into parts of their side gardens. In

contrast, the development proposed in this case would replace such a side addition, not with a larger extension but with an additional, separate dwelling, converting the semi-detached pair of dwellings into a terrace of three.

6. The Council sees the side garden of the appeal site as a significant contributor to the openness of the street scene at the junction and, for this reason objects, to its partial loss to the proposed development.
7. From inspection, I do not agree that the side garden of No 110 Apple Tree Avenue makes a particularly significant contribution to openness. Moreover, it does not seem to me that the creation of a separate dwelling, as distinct from a side extension, would be much different from an extension in the overall street scene. Sufficient space would remain at the side of the house to avoid a cramped appearance and allow for sufficient on-site car parking. Furthermore, the splayed property boundaries would be unaffected and a substantial side garden would still remain to add to the sense of openness.
8. Neither do I see any objection to the conversion of the semi-detached pair of Nos 110-112 as harmful to the street scene of this part of Apple Tree Avenue, given it already consists of a combination of both terraced and semi-detached properties.
9. The detailed design of the proposed dwelling appears appropriately in keeping with the present house at No 110 and its neighbour at No 112. There is potential for the remaining garden to be enhanced by new landscaping in the interests of visual amenity and supporting biodiversity.
10. For these reasons I consider the proposed development to be compliant with the provisions of Policies BE1, DMHB11-12, and DMHB14 of the adopted Hillingdon Local Plan (HLP) and D3 of the adopted London Plan, with respect to good quality design. The development would also overcome the presumption of Policy DMH6 of the HLP against the loss of gardens, by maintaining local character, amenity space and biodiversity.

#### *Private Amenity Space*

11. Both the existing and proposed dwellings at No 110 Apple Tree Avenue would enjoy gardens in excess of the minimum 60sqm requirement for 2- or 3-bedroom dwellings set by Policy D6 of the London Plan.
12. The Council objects on grounds that the back garden to the proposed dwelling would be smaller than the guideline minimum and that the side garden would not afford the quality and privacy of a rear garden.
13. However, the back garden would still provide an area of private space behind the house and I consider that the side garden would have scope for reasonable privacy to be achieved by boundary fencing and landscape planting. I take into account that any prospective occupier would have the opportunity to make their own judgement as to whether the private amenity space available would be adequate.
14. Therefore, with respect to the quality of private amenity and garden space, I consider the appeal proposal to be compliant with the aims of Policy DMHB18 of the HLP.

### *Other Matters*

15. I have had regard to every other matter raised in the appeal, including the fourth reason for refusal concerning accessibility. In this connection, I consider that appropriate level-access provision can be ensured by way of a planning condition.
16. The Council notes, and I agree, that:
  - i. the development would cause no harm to residential amenity at any other property, subject to a condition to prevent additional windows or doors without express permission;
  - ii. the vehicle access and parking arrangements for the new and existing dwellings would be acceptable in terms of highway safety, subject to a condition to ensure proper access construction, and
  - iii. Internal space provision meets adopted standards.
17. Other concerns of residents regarding property value and property deeds are not matters for planning.

### *Conditions*

18. All of the conditions suggested without prejudice by the Council are necessary. Conditions 2-4 ensure compliance with the approved drawings, appropriate finishing materials and landscaping in the interests of visual amenity. Conditions 5 and 6 prevent the use of a small area of flat roof as a balcony or the installation of additional windows or doors without further permission, in order to protect neighbouring privacy. Conditions 7 and 8 provide for an appropriate quantity and standard of accessible and adaptable housing and step-free access, in line with the London Plan. Conditions 9-11 ensure the provision of proper vehicle access, electric vehicle charging and cycle storage, also in line with the London Plan.

### *Conclusions*

19. There is disagreement between the main parties as to whether the further residential development of the appeal site should be regarded as acceptable in principle. Be that as it may, I have considered the case on its individual planning merits in the light of the relevant policies of the development plan, all of which are essentially consistent with the National Planning Policy Framework.
20. For the reasons explained above, I conclude that the proposed development would be compliant with the development plan as a whole and that therefore the appeal should succeed and the permission sought granted, subject to the conditions I have outlined.

*B J Sims*

INSPECTOR

## **APPENDIX**

### **SCHEDULE OF PLANNING CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall not be carried out except in complete accordance with the details shown on approved Drawings Nos: S01-A, C01-A, C02-A, C03-A, C04-A and, C05-A.
3. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those used in the existing dwelling at 110 Apple Tree Avenue and shall thereafter be retained as such.
4. No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
  1. Details of Soft Landscaping
    - 1.a Planting plans (at not less than a scale of 1:100),
    - 1.b Written specification of planting and cultivation works to be undertaken,
    - 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate
  2. Details of Hard Landscaping
    - 2.a Refuse Storage
    - 2.b Means of enclosure/boundary treatments
    - 2.c Car Parking Layouts
    - 2.d Hard Surfacing Materials
    - 2.e External Lighting
    - 2.f Other structures (such as play equipment and furniture)
  3. Living Walls and Roofs
    - 3.a Details of the inclusion of living walls and roofs
    - 3.b Justification as to why no part of the development can include living walls and roofs
  4. Details of Landscape Maintenance
    - 4.a Landscape Maintenance Schedule for a minimum period of 5 years.
    - 4.b Proposals for the replacement of any tree, shrub, or area of surfing/seeding within the landscaping scheme which dies or, in the opinion of the Local Planning Authority, becomes seriously damaged or diseased.
  5. Schedule for Implementation
  6. Other
    - 6.a Existing and proposed functional services above and below ground
    - 6.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- *Continued* -

- *Schedule of Planning Conditions continued* -

5. Access to the flat roof at the rear of the dwelling hereby approved shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing No 29 Violet Avenue.
7. The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.
8. Prior to any works on site above damp proof course level, details of step-free access via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. The measures implemented as approved shall be retained thereafter.
9. No works shall commence on site until a scheme for the provision of a vehicle crossover has been submitted to and approved in writing by the LPA to be constructed under Section 184 of the Highways Act 1980 at the developer's expense. The scheme shall be fully implemented before the development is first occupied and thereafter retained for this purpose.
10. Prior to the commencement of construction works, details of 1No 7KW active Electric Vehicle Charging Point shall be submitted to and approved in writing by the LPA. The works shall be installed in accordance with the approved details prior to first occupation of the development and thereafter retained in accordance with the approved details.
11. Prior to the occupation of the proposed dwelling a scheme for the parking of 2No bicycles as shown on approved Drawing C01-B, Proposed Ground and First Floor, shall be fully implemented and thereafter retained for this purpose.

- *End of Schedule* -