



## Appeal Decision

Site visit made on 16 January 2024

**by C Carpenter BA MA MRTPI**

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

**Decision date: 5<sup>th</sup> February 2024**

**Appeal Ref: APP/R5510/W/23/3327744**

**1372 Uxbridge Road, Uxbridge UB10 0NQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Chris Hill against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 5625/APP/2023/937, dated 28 March 2023, was refused by notice dated 24 May 2023.
- The application sought planning permission for a three-storey building for use as 3 x studio flats and 2 x 1-bed self-contained flats, installation of 2 x vehicular crossovers and demolition of existing two-storey building without complying with a condition attached to planning permission Ref 5625/APP/2019/917, dated 10 May 2019.
- The condition in dispute is No 2 which states that: The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 4971-7, 4971-8 Rev. A, 4971-9 Rev. A and 4971-10 and shall thereafter be retained/maintained for as long as the development remains in existence.
- The reason given for the condition is: To ensure the development complies with the provisions of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012) and the London Plan (2016).

### Decision

1. The appeal is allowed and planning permission is granted for a three-storey building for use as 3 x studio flats and 2 x 1-bed self-contained flats, installation of 2 x vehicular crossovers and demolition of existing two-storey building at 1372 Uxbridge Road, Uxbridge UB10 0NQ in accordance with the application Ref 5625/APP/2023/937, dated 28 March 2023, without compliance with condition Nos 1, 2, 3 and 4 previously imposed on planning permission Ref 5625/APP/2019/917, dated 10 May 2019 and subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 4971-II Location plan; 4971-7A Proposed plan and elevations; 4971-8B Proposed ground floor plan and elevations; and 4971-9C Proposed plans.
  - 2) The development hereby permitted shall be carried out in accordance with the details of materials, external surfaces and balconies approved under permission Ref 5625/APP/2022/1248 dated 18 October 2022 and the approved details shall be retained thereafter.

- 3) The development hereby permitted shall be carried out in accordance with the landscape scheme approved under permission Ref 5625/APP/2022/1248 dated 18 October 2022. The landscape scheme shall be maintained thereafter in accordance with the approved details.

### **Preliminary Matters**

2. Condition Nos 3 and 4 attached to permission Ref 5625/APP/2019/917 were discharged by the Council in October 2022 and the site has been cleared. Consequently, the permission remains extant.
3. The National Planning Policy Framework (the Framework) was updated in December 2023, during the course of this appeal. However, other than paragraph and footnote numbering, the wording on local character has not changed. I am therefore satisfied no party would be disadvantaged by not having the opportunity to comment on the new Framework.

### **Main Issue**

4. The appellant seeks to erect a building on the appeal site of a revised but not substantially different design to that approved. The appeal seeks variation of condition No 2 to specify the plans that reflect the amended designs.
5. The main issue is the effect of the proposed design amendments on the character and appearance of the surrounding area.

### **Reasons**

6. The Council's reason for refusal refers to Policies DMHD1 and DMHD12 of the Hillingdon Local Plan (HLP) Part 2 Development Management Policies. The former applies to alterations and extensions to existing dwellings, so is not directly relevant to this appeal. From the contents page of HLP Part 2 before me, the document does not appear to include a Policy DMHD12. There is also no reference to Policy DMHD12 in the Council's reasoning within its decision report or appeal statement. I shall therefore consider the main issue in relation to the other Policies referred to in the reason for refusal.
7. The appeal site is on the corner of Uxbridge Road and Hewens Road. Hewens Road is a residential street with houses set behind relatively generous front gardens. This layout and the breadth of the street give Hewens Road a spacious character. There is a newly built three-storey block of flats near the appeal site at 1380 Uxbridge Road, with its rear frontage facing Hewens Road.
8. The proposed modest increase in building mass at the apex of the corner plot would be offset by the breadth of Hewens and Uxbridge Roads and the generous area of public realm at their junction. This would be notwithstanding the prominence of the site. The spacious feel of Hewens Road and proposed set back of the building line from the site boundary at ground floor level would also temper the slight increase in mass on the upper floors when viewed from the rear. Consequently, the revised design would not appear unduly top-heavy, bulky or cramped. In addition, the appearance of the building's rear elevation, although different from the originally approved design, would complement that of the new block at No 1380.
9. The undercroft would be only slightly larger in the amended design, and its open side would extend along much of the rear frontage of the building,

thereby optimising natural light in the space. Consequently, there would be little material difference in future users' experience of it, bearing in mind there would also be artificial lighting. The amended undercroft would be comparable in area to that already built at No 1380, whilst being less deep than that one. I observed No 1380 during my visit and found it to be neither particularly dark nor harmful in its appearance to the street scene. I similarly find there would be little detriment to the street scene from the revised undercroft design at the appeal site.

10. For the above reasons, I conclude the proposed design amendments would not have a harmful effect on the character and appearance of the surrounding area. Accordingly, I find no conflict with Policy BE1 of A Vision for 2026 HLP Part 1 Strategic Policies or Policy DMHB11 of HLP Part 2. Together, these Policies seek high quality design that harmonises with the local context. I also find no conflict with the Framework, where it seeks good design that is sympathetic to local character, including the surrounding built environment.

### **Other Matters**

11. Concerns have been raised that the proposed block of flats would have a harmful effect on light to neighbouring dwellings. In this appeal I am only considering the proposed revision to the design of the block of flats, for which planning permission has already been granted. The Council is satisfied the proposed revision would not harm the living conditions of neighbouring occupiers, including in relation to light. On the evidence before me, I see no reason to disagree with this conclusion.

### **Conditions**

12. A condition relating to the commencement of development is not necessary as the development has started. I have imposed a condition which specifies the approved plans in the interests of certainty.
13. Although the original condition Nos 3 and 4 have been discharged, conditions remain necessary to secure the retention and/or maintenance of the approved details. I have therefore imposed these in relation to materials, external surfaces and balconies, and the landscaping scheme.

### **Conclusion**

14. For the above reasons I conclude the appeal should be allowed.

*C Carpenter*

INSPECTOR