



Appeal Decision

Site visit made on 2 February 2026

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

an Inspector appointed by the Secretary of State

Decision date: 13 March 2026

Appeal Ref: 6001838

10 High Road, Cowley, Uxbridge, Hillingdon UB8 2HN

- 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 K Moulder against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 5983/APP/2025/849.
 - The development proposed is the erection of 3 x 3-bedroom dwellings with associated car parking, amenity, landscaping and associated works following the demolition of the existing bungalow.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by K Moulder against the Council of the London Borough of Hillingdon. This application is the subject of a separate decision.

Preliminary Matters

3. On 16 December 2025, the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework). Whilst broad changes to the structure of the Framework are proposed as part of this consultation, these proposals could be subject to further change and can only be given very limited weight at this stage. It has therefore not been necessary to consult the parties on the changes, and in reaching my decision, I have had regard to the Framework published in December 2024.
4. The appellant has submitted a daylight and sunlight assessment, a transport note and an updated design and access statement with the appeal. What is considered at appeal should be essentially the same scheme that was considered by the local planning authority. I am satisfied that the additional reports do not result in a substantially different scheme to that originally considered and that no party has been prejudiced giving rise to any procedural unfairness. I therefore proceed to determine the appeal on the updated documents.
5. The Council accept that the daylight assessment shows that the scheme would be acceptable in terms of the level of daylight and sunlight received by the dwellings and gardens. I have therefore not specifically addressed daylight and sunlight within the 'living conditions' main issue.

Main Issues

6. The main issues are the effect of the appeal proposal on:
- the character and appearance of the area;
 - highway safety; and,
 - the living conditions of future occupiers with regard to privacy and outlook.

Reasons

Character and Appearance

7. The area immediately surrounding the appeal site is largely residential in character, with a variety of ages and styles of houses and flatted development along the busy thoroughfare of High Road and the roads leading off it. The appeal site comprises a bungalow at the end of a run of similar single storey dwellings fronting the street. It includes the garden to the bungalow and another parcel of land to the rear which shares a boundary with a Public Right of Way (PRoW) and the gardens of properties on Hilliards Road, Barnacre Close and High Road.
8. Irrespective of whether the site in its entirety comprises garden land, the proposal exhibits characteristics of backland and garden land development. This is because the built form would be set substantially back from the established building line, it would be contiguous with neighbouring rear gardens and accessed via a drive leading from the highway. As such, Policy DMH6 of Hillingdon Local Plan: Part 2 – Development Management Policies adopted 2020 (HLP 2020) is relevant to the proposal.
9. There is no established pattern of backland or garden land development in the surrounding area. My attention has been drawn to the presence of cul-de-sacs, including Barnacre Close, although these examples comprise suburban housing lining both sides the street, which is not what is proposed here.
10. The appeal site forms part of a ribbon of dwellings with a consistent building line fronting the High Road. The access would be of a sufficient width that it would introduce an uncharacteristic gap which would interrupt the established rhythm and grain of the streetscape. I have been referred to several examples of long access roads to backland development elsewhere in the borough¹. However, they are not a characteristic of the area local to the appeal site, and as such the long access road would be at odds with the surrounding pattern of development.
11. Even though the density of development would fall within appropriate parameters, the footprint of the dwellings covering the full width of the plot, along with the angled configuration of unit A, would appear awkward and cramped relative to both the site boundaries and the surrounding pattern of development. The degree of articulation within the detailed design of the elevations would not in my view reduce the perception of the scheme's bulk and mass. The overall effect would be a visually dominant form of development, in views from both public vantage points and from surrounding houses and gardens, in contrast to the more open surrounding garden land.

¹ 48 Murray Road reference 9357/APP/2020/2502; 17 Dene Road reference 73243/APP/2022/2535; 170a Harefield Road reference 23469/APP/2020/3612; 72 Harefield Road reference 25767/APP/2024/2484.

12. The appeal site is said by the appellant to be in a transitional location between the single storey dwellings on High Road and the two storey dwellings to the rear, including Barnacre Close and Hilliards Road. Policy DMH6 of HLP 2020 states that backland development must be more intimate in mass and scale and lower than frontage properties. Even though the dwellings would be set significantly back from the street, they would appear as a substantial mass of built form relative to the bungalows fronting High Road. Whilst in spatial terms the proposed dwellings would be closer to Barnacre Close than High Road, from the information before me, it does not appear they would be either lower or more intimate in mass and scale than the homes on Barnacre Close. I do not therefore consider that the proposal would offer a transition in scale between High Road and the two storey dwellings to the rear of the appeal site.
13. Although set back from the High Road, the proposed gate across the access would form a visual barrier which would impede permeability and connectivity to the surrounding area. Whilst I acknowledge that the gates are a design response to security concerns and address the 'Secure by Design' standards, the result would not be an inclusive form of development which would contribute to a well-connected and permeable public realm, as envisaged by HLP 2020 Policy DMHB12. Had I considered the appeal otherwise acceptable, I would have attached a condition to remove the gates in the interests of character and appearance.
14. In terms of the detailed design and use of materials, given the wide variety of styles and building forms in the area, the simple contemporary form with pitched roofs would be appropriate and in line with the approach of Policy BE1 of Hillingdon Local Plan: Part 1 – Strategic Policies 2012 (HLP 2012) and HLP 2020 Policy DMHB11 insofar as they seek good architectural quality and materials in new development. This matter holds neutral weight in my determination of the appeal.
15. Notwithstanding my view on the detailed design and use of materials, I conclude that the proposed development, for the reasons outlined above, would unacceptably harm the character and appearance of the area. This would conflict with Policy BE1 of HLP 2012 and Policies DMH6, DMHB11 and DMHB12 of HLP2020, as well as Policies D1 and D4 of the London Plan 2021 (London Plan). Taken together, and amongst other things, these policies require high quality design, ensure new development harmonises with the local context and achieves an appropriate layout, form and scale, resist gated development and support backland development in exceptional circumstances. There would also be conflict with the similar aims set out in the Framework to secure high-quality design.

Highway Safety

16. The access gate would be set well back from the highway and would allow space for vehicles to wait whilst the gates open. However, there are likely to be occasions arising where the visiting vehicle is not given access, for example in the case of a driver being unfamiliar or mistakenly entering the site, gate malfunction, emergencies or coincident arrivals and departures. In these situations, it is likely that a vehicle would be forced to reverse onto the highway potentially creating an obstruction or risk to vehicles travelling along the highway. The appellant indicates that they would be willing to accept a condition requiring the removal of the gate. Without the gate in place, vehicles would be more likely to enter the site and use the turning head to then be able to leave the site in forward gear. Had the appeal been allowed, the removal of the gate would have been secured by condition.

17. Sufficient information has been provided with the appeal with regard to the gradient of the access road which the appellant confirms varies between 1:11 to 1:17. Whilst this would not meet the 1:20 benchmark as referenced in the Manual for Streets, given the topography and relatively constrained environment, I am satisfied that taken as a whole, the proposed road would be capable of providing appropriate vehicular and pedestrian access to the dwellings. Had the appeal been allowed, details including gradients and transitions, surface materials and drainage could reasonably have been secured by condition.
18. I note the HLP 2020 policies DMT1, DMT2 and DMT6 and London Plan Policies T2, T4 and T6 do not prescribe the angle of a proposed access where it meets the highway. Similarly, the guidance contained in the Manual for Streets and Manual for Streets 2, does not prescribe dimensions or angles in this respect. The swept path diagrams show that the angle of access would be achievable for domestic and small delivery vehicles, and there is no substantive evidence to suggest that there would be harm to the safety of the highway arising from the proposed access.
19. With regard to pedestrian visibility, reference is made to a requirement for a visibility splay of 2.4m x 2.4m. This splay is not directly referenced as a requirement in the development plan policies I have been referred to, or in the Manual for Streets. Vehicle movements from the 3 proposed dwellings would be low, the immediate surroundings are residential, and vehicles would necessarily be cautious when egressing onto the High Road. Taking these factors together, I consider that the access would be acceptable in terms of pedestrian visibility.
20. Although the proposed cycle storage was not referred to in the reason for refusal, the Council identify a conflict with London Plan Policy T5, which specifies that cycle parking must be provided with direct, step free access and close to dwelling entrances. The proposed arrangement of back-garden storage would fall short of these requirements but I consider that this could also be secured by planning condition given the space available to the forecourt of the proposed dwellings.
21. I accept that the presence of an existing vehicular access in itself should not establish an acceptable benchmark for new development. Nevertheless, for the reasons given above, the scheme would not cause demonstrable harm to pedestrian or highway safety subject to appropriate conditions. I conclude on this issue therefore that the scheme would be in line with the aims of HLP 2020 Policies DMT1, DMT2 and DMT6, and London Plan Policies T2, T4, T5 and T6 insofar as they require proposals to meet the transport needs of the development, not increase road danger, provide safe and efficient vehicular access to the highway network and provide cycle and car parking to set standards. The absence of harm in this respect holds neutral weight in my consideration of the appeal.

Living Conditions

22. The Council is concerned with the overall quality of the rear garden of unit A. Whilst the garden would broadly comply with technical standards relating to daylight, sunlight and area, it remains that the side elevation of unit B would potentially feel like an overbearing presence to users of the patio to unit A. However, given the width and configuration of the garden, the presence of the wall would not result in a loss of outlook to the point where the outside space as a whole would be inadequate or would not be functional. Notwithstanding the relatively shallow, wide configuration of the garden, there would be sufficient space for planting and everyday functions

including sitting out, play and drying washing. On balance, the garden would be an acceptable standard.

23. There would be a single obscure glazed window at first floor in the side wall of unit B. Subject to a condition requiring the window to be obscure glazed with restricted opening, I do not consider that the layout of unit B would compromise the privacy of the rear garden of unit A.
24. Due to the arrangement of the buildings there would be a degree of overlooking between the front elevations of units A and B. At ground floor, due to the relative locations of the main habitable rooms, I do not consider that the arrangement would result in a harmful loss of privacy to either dwelling. At first floor there would be a degree of overlooking between bedrooms but given the dual aspect of the main bedroom in unit A, there would be the potential to require obscure glazing to the front window to reduce any sense of overlooking to unit B.
25. In conclusion on this issue therefore, I am satisfied that the proposal would result in acceptable living conditions for future occupiers with particular regard to outlook and privacy. The scheme would be appropriate in the context of Policies DHMB 11, DHMB 16 and DHMB 18 of the HLP 2020 and London Plan Policy D6. The absence of harm in this respect holds neutral weight in my consideration of the appeal.

Other Matters

26. Whilst my attention is necessarily focussed upon the planning merits of the scheme before me, I have had regard to the appellant's personal connection to the site and background to the appeal proposal, however this attracts negligible weight in the overall planning balance.
27. The appellant submitted the proposal following pre-application advice, to which they consider the appeal scheme has responded. I note that there was no further formal pre-application advice sought from or given by the Council prior to the submission of the appeal scheme. The Framework stresses the benefits of early engagement and of good quality pre-application discussion. Nevertheless, pre-application advice is not binding but it is clearly unfortunate if proposals are adjusted but the final outcome is negative. Nevertheless, I am obliged to consider the appeal scheme on its own merits, on the basis of the information before me.
28. My attention has been drawn to 2 examples of gated entrances at Blackbird Lane and Firs Walk. I have no detail before me regarding whether and when these would have received planning permission. I do not consider that other examples of a feature which is specifically referred to as undesirable by Policy DMHB12 of the HLP 2020 would indicate that permission should be granted.
29. Small sites provide an important component of housing delivery as set out in London Plan Policy H2. However, although the proposal would align with the aims of the policy, this does not outweigh the harm that I have identified in relation to character and appearance.
30. I have been referred to announcements by the Government regarding proposed changes to design guidance, with the aim of boosting housing delivery and ensuring the efficient use of land, along with the Mayor of London's emergency measures for housing delivery. Whilst these matters are a consideration, they do not outweigh the harm I have identified to the character and appearance of the area.

31. The reference to a report by the Home Builders Federation relating to housing delivery in London is not a matter which would indicate that my decision should be taken otherwise than in accordance with the development plan.
32. I note there is support for the proposal from several interested parties. However, neither this nor the other matters raised outweigh or alter my conclusions on the main issues.
33. The Council is satisfied with other matters including the provision of family sized housing and the environmental and sustainability credentials of the scheme. I do not have substantive evidence to contradict the conclusions of the Council in these matters, so I see no reason to disagree. Nevertheless, the absence of harm means these are neutral considerations in my determination of the appeal.

Planning Balance

34. Set against the harm identified, the proposal would deliver 3 accessible family sized dwellings that could be built out relatively quickly and would provide a good standard of accommodation. The dwellings would provide family sized housing which is underrepresented in the housing delivery pipeline. Nevertheless, given the small scale of the proposal, a net gain of 2 additional dwellings would make a limited contribution to the Council's housing stock, and as such I attach limited weight to this benefit.
35. There would also be environmental benefits through the use of a sustainable urban drainage system, the delivery of Biodiversity Net Gain and the use of air source heat pumps, photovoltaic panels and battery storage. I attribute moderate weight to these benefits. There would be temporary and ongoing economic benefits from the development through construction and use of local shops and services, but given the scale of the proposal, those benefits would be limited.
36. Paragraph 232 of the Framework makes it clear that due weight should be given to existing policies according to their degree of consistency with the Framework. The Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It also requires development to be sympathetic to local character. As such, the conflict between the proposal and Policy BE1 of HLP 2012 and Policies DMH6, DMHB11 and DMHB12 of HLP2020, as well as Policies D1 and D4 of the London Plan, should be given significant weight. The harm I have identified to the character and appearance of the area attracts significant weight in the planning balance and would outweigh the identified benefits.
37. The evidence provided by the appellant in relation to housing land supply indicates that the Council's reported 6.5 year housing land supply is likely to change in the near future. Even if I were to conclude there is a shortfall in the housing land supply on the scale suggested by the appellant, the harm I have identified to the character and appearance of the area would still significantly outweigh the benefits of the proposal.

Conclusion

38. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, the appeal should be dismissed.

L Francis INSPECTOR