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# Appeal Decision

Site visit made on 23 July 2024

**by K Williams MTCP (Hons) MRTPI**

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

**Decision date: 23 August 2024**

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**Appeal Ref: APP/R5510/W/23/3332780**

**2 Hilliards Road, Cowley, Uxbridge, UB8 3TA**

- 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 and Mrs Ronald and Sheila Moulder against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 61347/APP/2023/920.
  - The development proposed is described as 'construction of one detached, single storey dwelling, with new associated garage and highway access on land to the rear of 2 Hilliards Road, UB8 3TA'.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council has confirmed that its second reason for refusal relates to No 16 New Peachey Lane and not No 16 Hilliards Road. I have proceeded on that basis.

## Main Issues

3. The main issues are:
  - The effect of the development upon the character and appearance of the area; and
  - The effect of the proposed development upon the living conditions of existing and future occupiers, with particular regard to privacy and outlook.

## Reasons

### *Character and appearance*

4. The appeal site comprises the rear garden of No 2 Hilliards Road. The garden is wide and deep and enclosed by boundary fencing and hedging. The site has a boundary with Hilliards Road and there is a communal parking area at the rear which serves garages and several other properties. The site is also enclosed by and has a boundary with No 16 New Peachey Lane. The area is residential and the appearance of dwellings, pattern of development and garden sizes are varied. Longer gardens and small pockets of open space and highway verges provide welcome relief to the relatively densely developed area.
5. The proposal seeks to erect a 2-bedroom detached bungalow of similar scale, form and position to one previously approved by the Council<sup>1</sup> within the

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<sup>1</sup> Previously approved application: 58610/APP/2004/2393

curtilage of No 2. The proposed dwelling would be single storey, with relatively low eaves and loft space provided within the apex of the main part of the roof. The dwelling would feature a lower integral garage and open porch area to the front and a small garden space at the rear.

6. Although sited at the rear of No 2, the dwelling would be orientated towards the road and therefore have a road frontage. In this respect it would clearly read as a dwelling as opposed to an outbuilding or garden structure. It would adequately reflect the overall pattern of residential development in the area with homes facing the road.
7. Whilst the dwelling would be wide and located close to No 2 it would not fill the width of the plot facing Hilliards Road. In the context of the majority of higher full two-storey properties within the area, the height of the development is not excessive. The massing of development also would be visually broken up by the sloping roof form, when viewed across the communal parking area. The variety in the roof height and forms on the elevation facing Hilliards Road, with the hipped side garage and lower front porch would also lessen the overall massing of the development.
8. Being sited next to an open communal parking area, which is predominantly open would also ensure that the property would not appear cramped between other buildings. Furthermore, there is no established building line on this particular part of Hilliards Road and whilst the appeal site makes some contribution to the spaciousness of the immediate area, the garden being part of a wider corner plot is not typical of the more elongated layout and narrower gardens. As such the design of the dwelling and its layout would not appear incongruous in its immediate context and nor would the proposal appear cramped or be dominant.
9. In conclusion, the proposal would not have a harmful effect on the character and appearance of the area. Consequently it would accord with Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (HLP-P1); Policies DMH 6 DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 (HLP-P2); and Policies D1, D3 and D6 of the London Plan 2021 (the LP). Together and amongst other things, these policies seek development to be of a high quality and incorporate principles of good design; make a positive contribution to the local character and distinctiveness of the area; be well-integrated with the surrounding area and accessible. The proposal would also fulfil the aims of the National Planning Policy Framework (the Framework) which seeks to ensure good design, that development maintains the prevailing character of the area and that garden development is resisted where it would cause harm to the local area.

#### *Living conditions*

10. The submitted plans show the proposed dwelling in close proximity to the boundary and property of No 16. No 16 has an upper first floor window, which is clearly visible above the boundary fence and planting within the garden of No 2. The proposed development would have lounge and bedroom windows facing this joint boundary.
11. Whilst the windows on No 16 and those proposed on the rear and northern elevation would be situated at an oblique angle to each other, taking into account the limited distance and difference in height it has not been fully

evidenced that the internal accommodation from both lounge windows, bedroom window and garden would not experience some loss of privacy. As the overlooking would be from first floor level, I am not convinced that the boundary fence and planting would successfully mitigate against this.

12. It is stated that the majority of the interior of the proposed development would be screened from view. Given the proposed use of the rooms and their position on the rear, it is reasonable for occupiers to expect and experience privacy in these rooms. As both lounge windows have the potential to be affected it is likely that future occupants would feel overlooked within the lounge in particular owing to the provision of two windows relatively close together and the larger areas of glazing to the proposed Living Room. Combined with the potential for overlooking of the bedroom and garden areas this resulting effect would be harmful to the living conditions of future occupiers.
13. The appellants Daylight and Sunlight Report (the DSR) confirms that all windows on No 2 which face the development would exceed daylight and sunlight levels contained within BRE guidance<sup>2</sup>. However, the DSR provides technical analysis, which does not go into significant detail in terms of analysing outlook on the gardens or the rear windows of No 2 which involves other considerations.
14. Whilst views of the sky would still be possible within rear rooms, the mass of building and roofing, although single storey and sloping away from No 2, would be higher than a typical garden fence. The proposed development in combination with boundary treatments would substantially add development close to the rear of the lounge windows serving the dwelling at No 2 and would curtail the outlook. It would create a harmful sense of enclosure to that window. Taking into account the proposed use of that room where occupiers are likely to spend a significant amount of time, this would create a more oppressive outlook from within that room.
15. In summary the proposal would fail to secure acceptable living conditions for future occupiers in respect of privacy. It would also fail to preserve the living conditions of existing occupiers in respect of outlook. I therefore conclude that the development would not provide suitable living conditions for future and existing occupiers with regard to privacy and outlook. The proposed development would therefore conflict with Policies DMH 6 and DMHB 11 of the HLP-P2 and Policy D6 of the LP where they seek to ensure that development maintains neighbouring residential amenity and is appropriate for its context. The proposal would also conflict with the Framework where it seeks to ensure a high standard of amenity for future and existing users of development.

## **Other Matters**

16. I have noted that an earlier approval granted permission is very similar to the one before me. However, on the basis of the evidence before me I cannot be certain that the surrounding context or relationship with neighbouring properties is the same as it was when approved. The site plans evidenced are not particularly clear and appear to show smaller properties at No 2 and No 16. Therefore the weight to be given to that decision is not sufficient to alter my findings.

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<sup>2</sup> Site Layout Planning for Daylight and Sunlight: A guide to good practice (third edition, 2022).

17. The proposal would align with the aims of the Framework to significantly boost the supply of homes and that small-scale developments can make an important contribution to meeting the housing requirement. Furthermore it is stated that the development would incorporate modern construction methods and materials, is well related to local services and accessible by non-car modes of travel and would make use of an underutilised site providing bungalow accommodation. There would be economic and social benefits from the build and occupation of the dwelling.
18. Whilst benefits can be attributed to self-build development, there is no evidence before me how many people are on the Council's Self-Build register or whether the Council is meeting its duty within the Self Build and Custom Housebuilding Act 2015 to have regard to and give enough suitable development permissions to meet the identified demand. It is also important to ensure that permissions for custom and self-build homes are secured and delivered as self-build, but there is no mechanism before me to do this. However, the above combined benefits would be small given the scale of the development and I attach them limited weight for this reason.
19. The absence of harm in respect of highway safety, the character and appearance of the area, room sizes and the acceptable amount of outdoor space carries neutral weight.

### **Conclusion**

20. The proposal conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
21. For the above reasons, I conclude that the appeal should be dismissed.

*K Williams*

INSPECTOR