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## Appeal Decision

Site visit made on 22 November 2024

**by A. J. Boughton MA (IPSD) Dip.Arch. Dip.(Conservation) RIBA MRTPI**

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

**Decision date: 20 December 2024**

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**Appeal Ref: APP/R5510/W/24/3348490**

**2 Hilliards Road, 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 Ronald and Sheila Moulder against the decision of the London Borough of Hillingdon.
- The application Ref is 61347/APP/2024/383.
- The development proposed is Construction of one detached, single storey dwelling, with new associated garage and highway access

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### Decision

1. The appeal is allowed and planning permission is granted for Construction of one detached, single storey dwelling, with new associated garage and highway access at 2 Hilliards Road, Uxbridge, UB8 3TA in accordance with the terms of the application, Ref, 61347/APP/2024/383 and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plans: 101031-2HRB-1000-zz-L01-GA-A-0825 (P2); 101031-2HRB-1000-zz-LZZ-EL-A-0830 (P3); 101031-2HRB1000-zz-LXX-VS-A-0896 (P2); 101031-2HRB-1000-zz-SE-A-0835 (P3); 101031-2HRB1000-zz-LZZ-ST-A-0801(P3).
  - 3) Except with the prior written approval of the local planning authority, materials used in the construction of external surfaces of the development hereby approved shall match in appearance those found in 2 Hilliards Road, Uxbridge, UB8 3TA.
  - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) subject of this permission shall be erected without the grant of express permission by the Local Planning Authority.

- 5) Prior to any construction above ground level, a scheme for hard and soft landscaping of the development hereby approved shall be submitted to, and approved in writing by, the local planning authority. The scheme shall include the following details:
  - Layout of, and materials employed in, paved and permeable surfaces
  - Scheme of planting and other measures to support suburban biodiversity.
  - Boundary treatments
  - Location and specification of an electric vehicle charging pointThe development shall be completed in accordance with the approved details and maintained for the life of the development.
- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 7) Prior to the commencement of any construction above ground level, a scheme for the provision of sustainable water management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development. The development shall be completed in accordance with the approved details,
- 8) No demolition or construction work shall take place on Sundays or Bank Holidays or be undertaken other than between the hours of 7:30 am and 18:00 pm Monday to Friday and between 7:30 am and 12:00 on Saturdays.

### **Preliminary Matter**

2. The Council refer, in Refusal Reason 2 (RFR), to overlooking of the proposed dwelling 'due to its orientation and close proximity to No.16 Hilliards Road' however this appears to be an error as the neighbour to the appeal site is 16 New Peachey Lane. I have addressed the appeal on that basis.

### **Main Issues**

3. The main issues are the effect of the development on:
  - the character and appearance of the area, and
  - living conditions for occupiers and neighbouring users with regard to privacy and outlook.

### **Reasons**

#### *Character and Appearance*

4. Hilliards Road is a short residential cul-de-sac which, beyond the initial section past the appeal site, is populated by two-storey housing set in semi-detached pairs or terrace blocks and other mid-late twentieth century housing. The appeal site is a rectangular parcel of land proposed to be accessed from that initial section of road

which wraps around the side of 2 Hillards Road (No.2) as it tapers to the front (north) and the junction with New Peachey Lane. This initial section of road is near-continuously hedged or high-fenced from its northern end and past the appeal site with a single pavement adjacent. The appeal site is laid to grass currently making, as can be the case with suburban gardens, relatively little contribution to biodiversity. Although the appeal site is garden land it does not have the usual characteristics of 'backland' which generally refers to brownfield or garden land having limited street frontage, whereas the plot proposed for development has a full width frontage to the highway and would appear as an acceptable introduction to the existing street scene.

5. The site lies between a garage courtyard with its associated terrace block of three houses, around 22m to the south, and No.2 (which is a single storey house<sup>1</sup>) with its proposed-to-be-retained garden, all comprised within what appears to have been a larger, separate, parcel of land that narrows at each end, extending between High Street and New Peachey Lane. This is identifiable as seemingly developed at a different time to the mid-twentieth century development surrounding it and consequently developed piecemeal with the terrace block and car park and later, No.2, generating a pattern of development that differs from the general suburban pattern of deep but narrow plots along surrounding streets. The proposed dwelling would not be consistent with this wider development pattern, being orientated differently, and single storey such that a small family dwelling occupies a larger proportion of its plot. It has a naturally occurring and entirely independent road frontage which sets it apart from the car-dominated sections of the street and does not introduce a conflict with access to other properties.
6. In the circumstances described, the presumption against 'backland development' in DMHB6 should attract little weight such that the proposal is considered on its individual merits. In addition the principles embodied at section (A) of Policy DMHB11 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (LP Part 2) have limited relevance in that the layout and appearance of what is proposed would relate well to its immediate environment notwithstanding a divergence from the more conventional layout that surrounds that immediate area.
7. The Council have drawn attention to a recent appeal decision for a similar development at this site<sup>2</sup>; although that appeal was dismissed the conclusion reached as to the effect of the development on character and appearance of the area aligns with my own assessment. This conclusion is also relevant to the alleged conflict with Policy DMHB6 which seeks to maintain local character, amenity space and biodiversity as the proposal would not have a harmful effect on the character and appearance of the area and in that regard it would accord with Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012 (LP-Part1) and Policies DMH 6 DMHB 11, DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 (LP-Part 2).

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<sup>1</sup> With accommodation in its roof that has windows facing away from the proposed new dwelling

<sup>2</sup> Appeal Ref: APP/R5510/W/23/3332780

### *Living conditions*

8. The Council point to concerns as to overlooking and loss of privacy for occupiers of the proposed development, and loss of access to daylight/sunlight for occupiers of No.2. These comments are consistent with the position adopted by the Council in the previously-mentioned appeal<sup>3</sup>; albeit relating to a design which does, in fact, differ from that before me in respect to both height and floor area, both of which are reduced. The design also has a different configuration of windows to habitable rooms. These changes, although minor, are material to the impact on living conditions. Although the amenity area for the proposed dwelling would be overlooked from the first floor window of the adjacent house on New Peachey Lane (No.16), this would be at a distance of around 17m and at an oblique angle. Also, any overlooking of habitable rooms would not be 'direct' (or opposite) in that a normal (perpendicular) gaze from either window would be directed away from the other elevation and unlikely, if it occurs, to be felt as intrusive. Nor would it be possible to see into the depth of either room.
9. The potential for overlooking of gardens from neighbouring upper-floor windows is a commonly-occurring feature of suburban environments such as found elsewhere in Hilliards Road. Whilst there would be some potential for overlooking, the distance and angle of sight would be such that this would not be only from a single upper floor window and not therefore oppressive. Secondly, given the separation and angle between the single upper-floor window of No.16 and the elevations concerned, opportunity for views of the interior of the new dwelling would be very limited for the same reasons. In my estimation the rear habitable room windows of the dwelling would not be severely overlooked.
10. Policy DMHB11 of the LBH DMP at (B) requires a high standard of design and that development 'should not adversely impact' upon the amenity, daylight and sunlight of adjacent properties. The proposed dwelling would be single storey with the ridge line of the roof set parallel to, but approximately 10 metres distant from, the southern boundary of what would be the reduced garden area of No.2. The Appellant has conducted a daylight and sunlight assessment which appears to have been ignored by the Council in its determination, but indicates that all of the windows and rooms within No.2 would receive daylight and sunlight in excess of the BRE's guideline values with the proposed development in place. Overall, noting the open aspect for users of No.2's main rear amenity space in the arc from due south to south-west I consider that whilst there would be a change in outlook, that would not be to an extent which is oppressive or harmful.
11. I therefore conclude there would be little conflict with Policies DMHB6, DMHB11 (B) or DMHB12 of the LBH Part 2, which seek, as I have identified, to protect the privacy and amenity of existing and proposed users of development proposals.

### **Conclusion and Conditions**

12. The Council refer to a previous appeal decision for a similar development, however an assessment of the effect of every proposal is necessary having regard to the application of relevant policy to the proposal concerned and in consequence different decision-takers may reasonably lead themselves to differing conclusions,

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<sup>3</sup> Appeal Ref: APP/R5510/W/23/3332780ently,

providing such conclusions are adequately justified. Consequently, as I have reasoned and taking all matters raised into account, I conclude the proposal would not conflict with the Development plan as a whole and in consequence the appeal succeeds subject to conditions which are necessary to make the proposal acceptable in planning terms. The Council have suggested a number of conditions which I have considered and adjusted or omitted having regard to the tests set out in the NPPF.

13. In addition to the usual timing and plans condition, materials used in walls and roof should suitably relate to the immediate area and a scheme for hard landscaping and planting is appropriate to ensure the proposal does not unduly reduce biodiversity. Having regard to the setting of the site, and to maintain the privacy of adjoining users and sufficient extent of outdoor amenity space, some works for which permission would otherwise be granted as provided by Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 should only be sought by express consent. Conditions for a visibility splay are not justified in this residential cul-de-sac where vehicle speeds and movements are low. Some suggested conditions are addressed by other legislation, and the scope of suggested conditions in relation to water management and construction management plan are disproportionately burdensome and therefore not reasonable having regard to the scale and location of the development, although a SUDS scheme and a working hours condition would be appropriate as would the provision of an EV charging point.

*Andrew Boughton*

INSPECTOR