

Appeal Decision

Site visit made on 18 June 2024

by C Livingstone MA(SocSci) (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 August 2024

Appeal Ref: APP/R5510/W/23/3333357

Dellfield Uxbridge Road, Hillingdon, Uxbridge UB10 0PL

- 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 Amandeep Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 65993/APP/2023/2146.
 - The development proposed is to demolish existing house (Dellfield) to replace with new house, and create 3 new houses on backland.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the Council's reasons for refusal, it refers to a Policy GC2 of the London Plan 2021 (LonP) and Policy B1 of a Vision for 2016 Local Plan: Part 1 Strategic Policies 2012 (LPP1). However, it has confirmed that these were typographical errors, and the intention was to refer to policy GG2 of the LonP and Policy BE1 of the LPP1. The appellant confirmed that they had no further comments to make on this matter.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposed development would provide suitable living conditions for the future occupants of House 1 with particular regard to noise and disturbance and the effect of the development on the living conditions of existing occupants of Leederville with particular regard to noise, disturbance and outlook;
 - whether the proposed development would allow for the suitable provision of waste storage and collection facilities; and
 - the effect of the proposal on road safety and the efficient operation of the local highway network.

Reasons

Character and appearance

4. The appeal site is in a residential area, comprising of properties constructed in a variety of architectural styles, which front on to Uxbridge Road. Spaces between buildings are limited so that the street appears built up, the short front gardens have mostly been hard surfaced to create private off-street parking areas. In contrast most properties have generous rear gardens, some with ancillary sheds and outbuildings that occupy only a small proportion of the space. The rear gardens provide a spacious backdrop to the densely built development along the street frontages within the area. Their mature and attractive appearance is apparent from surrounding properties and contributes positively to the area's character and appearance.
5. Dellfield is a modest single storey dwelling that fronts on to Uxbridge Road, slightly forward of the established building line. The rear garden is an irregular shape and extends behind the back boundary of the rear garden of some of the neighbouring properties. The proposal is for the demolition of Dellfield and its replacement with a narrower dwelling to allow for a private access road that would be several meters long. This access would serve the three two-storey dwellings proposed within what is currently the rear garden area.
6. Paragraph 123 of the National Planning Policy Framework (the Framework) provides support to development that makes effective use of land. However, the Framework qualifies this support in paragraph 130 by requiring consideration of the desirability of maintaining an area's prevailing character, and residential gardens form part of this.
7. This reflects Policy DMH 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies (2020) (LPP2) which provides a general presumption against the loss of gardens in order to maintain local character, amenity space and biodiversity. However, in exceptional cases, it allows a limited amount of backland development subject to criteria relating to amenity, access, scale, mass, landscaping and biodiversity.
8. Criteria ii within Policy DMH 6 of the LPP2 discourages the formation of access roads to backland and garden development sites between dwellings and stipulates that vehicular access and parking should not have an adverse impact on neighbours in terms of noise or light. I will assess the impact of the access on living conditions in greater detail below. In terms of character and appearance, the formation of a vehicular access between neighbouring property Leederville and the proposed House 1 would not reflect the established pattern of development, which is characterised by dense frontage development and as such would not be well integrated with the surrounding area.
9. Due to variance in ground level and some excavation within the site the proposed two storey properties would be slightly lower than the neighbouring single storey properties that front Uxbridge Road. Notwithstanding this, due to their combined massing the proposed dwellings would be noticeably higher than surrounding boundary treatments and would be prominent in their local context. Further, the development would

introduce significant areas of hardstanding which would notably alter the garden character of the site. As a result, the dwellings proposed in the garden area would appear as a prominent and incongruous feature which would detract from the open, spacious, and mature garden environment and would be detrimental to the established pattern of development.

10. I appreciate that due to their siting the three properties within the rear garden area would not be a significant feature within the street scene and the scheme would utilise a built form and palette of external materials that reflect other properties in the wider area. Nevertheless, they would appear prominent and out of place when viewed from the rear of the surrounding properties and given the constrained nature of the site and proposed hardstanding, providing landscaping would not ameliorate these concerns.
11. The proposed replacement dwelling would reflect the established building line and the height and design would echo the neighbouring properties on either side. However, its width would be significantly narrower than Dellfield, and would not reflect the established built form in the area which comprises of dense built up frontage development with a horizontal emphasis.
12. The effective use of land and the development of brownfield sites brings associated benefits and should be supported where possible. However, in this instance, I find that these benefits do not outweigh the significant harm to the character and appearance of the area, which is not lessened either by an absence of heritage assets or landscape designations.
13. For the reasons detailed above the proposed scheme would have a harmful effect on the character and appearance of the area. Accordingly, there would be conflict with the relevant provisions of Policies GG2, D3 and D8 of The London Plan 2021 (LonP), Policy BE1 of A Vision for 2026 Local Plan: Part 1 Strategic Policies (LPP1) and Policies DMH 6, DMHB 11 and DMHB 12 of the LPP2 which allow garden and backland development only in exceptional circumstances, seek to prevent the inappropriate development of gardens, requires all development to be designed to the highest standards with the application of a design led approach to determine the optimum capacity of sites. The identified policies also require that new development is well integrated with the surrounding area and ensures that buildings are of a design that activates and defines the public realm.
14. Policy D2 of the LonP sets out infrastructure requirements for sustainable densities. As such, it does not provide criteria directly relevant to the determination of proposals in respect of this main issue.

Living conditions

Noise and disturbance

15. Neighbouring property 'Leederville' is a detached single storey property with accommodation in the attic and a relatively short rear garden. The garden land to the rear provides occupants with a calmer, quieter and greener environment which contrasts with Uxbridge Road to the front. There is currently only a small separation distance between the flank elevation of this neighbour and Dellfield which allows for pedestrian access.

16. The scheme includes a long vehicular access road that would run directly past the side elevations of both Leederville and the proposed replacement house (House 1).
17. The access would serve three properties, Houses 2,3 and 4, each with their own parking space, and occupied by individuals living and moving independently in each property. The access would also serve visitors and deliveries to these properties, which are typically associated with day to day living. The level of movement and associated noise and disturbance associated with the use of the would be an intensification of both the existing use and the level of use typical of the area.
18. Further, as the gap between House 1 and Leederville would be utilised entirely by the access road, there would be a minimal separation between vehicles accessing the properties to the rear of the site and the flank elevation. This close proximity to the access would mean that the occupants of House 1 and Leederville would be subject to the noise and disturbance of vehicles utilising the access. It is likely that the occupants of these properties would be subject to a greater degree of noise and disturbance which would erode the sense of calm and tranquillity associated with the garden land as existing, resulting in a material degree of harm to the living conditions of the existing occupants of Leederville and the future occupants of House 1 in terms of noise and disturbance.
19. It is acknowledged that it is not uncommon for properties to have a driveway running along the side elevation. However, they typically serve the dwelling they access or are shared with a single adjacent neighbouring property, which is not the case in this instance. It has also been put to me that modern electric vehicles tend to be quieter than cars with an engine. However, there is no mechanism before me to control the type of vehicle that would use the proposed access. Therefore, the general utilisation of electric cars does not resolve my concerns with regard to noise and disturbance.
20. As such the proposed scheme would fail to meet the requirements of criteria (i) and (ii) of Policy DMH6 of the LPP2 which allows for garden and backland development only when the amenity of existing homes and gardens is maintained and provided a vehicular access would not have an adverse impact on neighbours in terms of noise.

Outlook

21. The three two storey properties proposed within the rear curtilage of Dellfield would be arranged in a row, with the flank elevation of House 2 in close proximity to the back of the rear boundary of Leederville. The appeal site is lower than this neighbour and some groundworks are proposed to lower the land within the appeal site further. These factors combined result in the ridge height of House 2 being marginally lower than Leederville.
22. While I acknowledge that House 2 has been designed in order to minimise the impact of the development on Leederville, the proposed dwellings in the rear garden area are significantly larger than a typical ancillary garden building. The occupants of Leederville currently benefit from an open area beyond the bottom boundary of their rear garden. The proposal would result

in development along the entirety of the bottom of their rear garden which would be significantly higher than the boundary. As the rear garden of this property is relatively short there would be only a minimal separation distance between this neighbour and House 2. Given the close proximity and scale and massing of the proposal, it would result in a sense of enclosure and have an overbearing impact on the occupants of Leederville irrespective of its orientation in relation to this property.

Living conditions conclusion

23. For the reasons detailed above the proposed development would not provide suitable living conditions for the future occupants of House 1 with particular regard to noise and disturbance and would have a harmful effect on the living conditions of existing occupants of Leederville with particular regard to noise, disturbance and outlook. As such the proposal is contrary to Policy BE1 of the LPP1 and Policies DMHB 11 and DMH 6 of the LPP2 which require that new developments seek to protect the amenity of surrounding land and buildings, particularly residential properties; should not adversely impact on the amenity of adjacent properties and allowing garden and backland development only when the development is in accordance with identified criteria which includes the requirement that residential amenity is maintained and not harmed.
24. The Council has referred to air quality policies in its fourth reason for refusal in relation to noise pollution. These policies seek to improve air quality and ensure there is no unacceptable risk from air pollution to sensitive receptors. As such, they are not determinative in my assessment of living conditions in particular regard to noise.

Highway impact

25. Uxbridge Road is a busy dual carriageway with a 40 miles per hour speed limit and a cycle lane in each direction. Markings on the road indicate that the area immediately in front of the appeal property forms part of a bus stop area.
26. The proposed scheme would include an access within the bus stop cage area, which would serve the three properties proposed within the rear garden area. Each of these properties would have a single parking space and the proposed replacement dwelling would be car free. Based on the information before me the end of the access includes an 8m x 8m turning head.
27. There is a requirement under planning Policy DMT 2 of the London Borough of Hillingdon Local Plan Part 2 Development Management Policies 2020 (LPP2), that new vehicular accesses are provided to the Council's standards. The area in and around a bus stop cage will typically have people waiting for and getting on and off busses and moving in different directions. As such it is important that these areas have as few obstructions as possible to ensure the safety and accessibility of bus passengers. In order to ensure this paragraph 3.4 of the London Borough of Hillingdon Domestic Vehicle Footway Crossover Policy - Highway Services 2022 (DVFCP) states that 'new crossovers are not permitted within 10 metres of a bus stop flag (where there is no cage) or within bus stop cage markings.' Although the DVFCP is

not in itself part of the development plan, it clearly sets out the Council's standard approach on this matter.

28. Due to its position individuals using the proposed access could obstruct the path of both buses and bus passengers utilising the bus stop. This would have a harmful effect on the safety and accessibility of bus users and the free flow of traffic.
29. The submitted plans do not include a swept path analysis or technical information to demonstrate the acceptability of the turning area under current legislation. The majority of the proposed access road would be 5m wide, which would be too narrow to allow two cars to pass each other easily. As such it is likely that the access and parking arrangement would result in instances where drivers would need to wait on the highway for the access to be clear or reverse on to the highway to clear a path for other users of the access, resulting in an access that is not safe or efficient.
30. My attention has been drawn to the existing access to neighbouring property 'Beechcroft' as it is within the bus stop cage area, and it has been highlighted that there is an absence of any harmful incidents as a result of this access. However, as this access serves a single dwelling, rather than three, it does not form a direct comparison to the proposal. My attention has also been drawn to an access on to Nelson Road that was approved as part of a housing development for six houses¹. This application was approved in August 2017, since that decision was reached the policy framework and guidance has been revised. In any event it does not alter my view that this proposal would be harmful.
31. It is acknowledged that there are a number of existing private accesses in the area, and it is likely that pedestrians and cyclists would expect to negotiate cars and vehicles crossing the footway as they travel. However, I am not satisfied that this expectation is sufficient to outweigh the harm resulting from the proposed access that I have identified above.
32. Therefore, the proposal would have harmful effect on the safe and efficient operation of the local highway network. As such the proposal would be contrary to Policy T4 of the LonP and Policies DMT 1 and DMT 2 of the LPP2. These policies state that Development proposals should not increase road danger, have no significant adverse transport or associated air quality and noise impacts and they must ensure that safe and efficient vehicular access to the highway network is provided to the Council's standards.

Waste storage and disposal

33. Based on the evidence before me household waste in Hillingdon is collected on a weekly basis via a roadside sack collection. Occupants of the residential dwellings of the type proposed would be expected to store waste within the property boundary until its collected from the front of their property. There is also an expectation that waste collectors should not have to carry waste sacks for more than 15m from a collection point to the collection vehicle.
34. The submitted plans do not include a swept path analysis to demonstrate that a waste collection vehicle could enter and exit the proposed access in

¹ 72704/APP/2017/1068

forward gear. Without more detailed information as to whether this can be achieved, I am unable to conclude with any certainty that there would not be resultant impacts on highway safety. Larger vehicles may be forced to reverse out of the site and onto Uxbridge Road, making unsafe manoeuvres with restricted visibility and awareness of surrounding vehicular traffic and pedestrians. As such it has not been demonstrated that waste could be collected directly from the front of Houses 2, 3 and 4 through the utilisation of a collection vehicle. Also, as the proposed access road is over 15m long it would be a significant distance for waste collection workers to collect waste from the front of these properties and carry it to Uxbridge Road. There is no evidence before me to demonstrate that this is a suitable or safe distance for workers to collect and carry refuse sacks.

35. However, drawing number SD642-RE-03 indicates the position of a shared bin storage area. The annotation on this plan states that waste would be stored in an identified communal area until waste collection day where it would be transported by future occupants of the properties to Uxbridge Road to be collected. The Council have provided no reasons to justify why this would not be a suitable arrangement for waste collection.
36. For the reasons detailed above the development would allow for the suitable provision of waste storage and collection facilities. As such the proposal is in accordance with Policy BE1 of the LPP1 and Policy DMHB 11 of the LPP2 which stipulate that new development should incorporate a clear network of routes that are easy to understand and connect positively with community services and that development includes sufficient provision for well-designed external storage space for general, recycling and organic waste, with suitable access for collection.

Other Matters

37. The appeal scheme before me is a resubmission of a preceding application refused by the Council². I appreciate that the appellant has attempted to overcome the concerns previously raised but the amendments would still result in a proposal that would be contrary to the development plan for the reasons I have already outlined.
38. Notwithstanding the living conditions of future occupants of House 1 in terms of noise and disturbance; the Council have raised no objection in relation to other amenity standards for future occupants including in relation to internal floor area, ceiling heights, external amenity space, accessibility, daylight and sunlight. They have also raised no concerns regarding suitable provision for off-street car parking and cycle storage and the living conditions of neighbouring occupants in terms of daylight and sunlight. Further, the appeal site is in an area that is not at risk of flooding and the properties would also be energy efficient, would include electric car charging points and would include suitable provision for waste storage and collection. However, the absence of harm in these respects form neutral factors in my assessment of the appeal, weighing neither for nor against the proposal.
39. The proposal would provide three additional housing units, as well as a replacement dwelling, in a suitable location where there is an identified

² 65993/APP/2022/2389

need. This would maximise the use of the site and make a modest contribution to the housing supply in the area. In so doing, the proposal would support the aims of Policy H1 of the LonP, which amongst other things, set housing targets and encourage the development of small sites in order to meet London's housing needs. There would also be associated economic benefits during construction and the development may have a positive impact on biodiversity.

Conclusion

40. The proposed development would comply with some policies in the development plan. However, in light of the conflict I have found with a number of policies, as detailed above, I conclude that the proposal would be in conflict with the development plan as a whole.
41. For the reasons given above the appeal is dismissed.

C Livingstone

INSPECTOR