
Appeal Decision

Site visit made on 29 May 2014

by H Butcher BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 July 2014

Appeal Ref: APP/R5510/A/14/2212805

Land at rear of 71-73 Hercies Road, Hillingdon, Middlesex UB10 9LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr T Gray against the decision of The Council of the London Borough of Hillingdon.
 - The application Ref 69536/APP/2013/3083, dated 16 October 2013, was refused by notice dated 19 December 2013.
 - The development proposed is 2no 4 bedroom detached dwellings on land currently used as storage yard and 4 ancillary outbuildings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's grounds of appeal states that all matters apart from access are reserved. However, the application form indicates that outline planning approval was sought with all matters reserved. It is also clear that the Council treated the application as outline with all matters reserved. I have therefore treated the appeal on this basis. I have been provided with plans showing the access, layout, scale and front elevation of the proposed two detached four bedroom dwellings but I have taken them into account as being indicative only.
3. The Council has referred to the Submission Draft of its Local Plan Part 2 and Hillingdon's Community Infrastructure Levy Draft Charging Schedule. These documents have not yet been adopted and the Council has not referred to any specific parts of either document that might be relevant to this case.

Main Issues

4. The main issues are:
 - (i) the effect of the development on the character and appearance of the surrounding area;
 - (ii) the effect of the development on the living conditions of occupiers of neighbouring properties;
 - (iii) the effect of the development on highway safety; and
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- (iv) whether the proposal would make adequate provision for education facilities;

Reasons

Character and appearance

5. The appeal site comprises land to the rear of residential properties 71 and 73 Hercies Road. Hercies Road is residential in character comprising a mix of dwellings. 73 Hercies Road is a bungalow with a loft conversion and belongs to a long line of similar single storey properties which stretch to the west. 73 Hercies Road is a two storey end of terrace. Properties generally face onto Hercies Road and are set back in a linear arrangement with deep rear gardens behind. The road has a spacious feel due to the number of single storey dwellings and their siting in relation to their spacious plots.
6. The appeal site is formed from part of the rear gardens of nos 71 and 73. It has, however, been cleared and four sheds are currently located on the site. The appellant states that the site is used for ancillary purposes such as parking for occupiers of nos 71 and 73 and also for parking by the appellant in connection with his business. Nos 71 and 73 have retained small rear gardens which are fenced off from the appeal site which forms a separate parcel of land.
7. The surrounding area to the appeal site is predominantly garden land. The exception to this is the land which adjoins the appeal site to the east. This is a separate parcel of land comprising a number of single storey buildings. The dwellings shown on the indicative plans are two storeys and would be sited in close proximity to each other. The development would therefore appear as a tall, cramped and dense development which would be an unexpected addition to the rear of neighbouring properties and would be in stark contrast to the low level and spacious pattern of much of the surrounding development.
8. Consequently the scheme shown on indicative plans would be harmful to the character and appearance of the surrounding area. Given the constraints set by the size of the plot and the relationship with surrounding houses and gardens, I have no other evidence before me that would lead me to conclude the issues identified above could be overcome through any alternative configurations of development on the site.
9. In coming to this conclusion I have considered the status of the land in question. The Council consider it to be garden or 'greenfield' land whilst the appellant contends it has been a separate parcel of land which has been used since approximately 2010 for uses other than residential. From the limited evidence before me, and from what I saw on site, the land appears to be used for purposes other than residential curtilage. However, that the appeal site may be brownfield land does not overcome my concerns regarding the unacceptable harm to the character and appearance of the area as set out above.
10. I also note that outline permission was allowed on appeal on the adjacent site to the east in 2006 for two detached houses. I have not been provided with full details of this. Whilst I note some local policies remain current, it is inevitable that matters will have moved on since that time. Reserved matters were not formally submitted and this outline permission has therefore not been implemented. In any event this site, although adjacent to the appeal site, is

located in closer proximity to Stuart Close and is materially different in terms of its relationship to surrounding development. It is therefore not directly comparable. For these reasons I afford this matter limited weight.

11. I therefore find the proposal to be in conflict with policy BE1 of the Hillingdon Local Plan: Part 1 – Strategy Policies (November 2012), Policies BE13 and BE19 of the Hillingdon Local Plan: Part 2 – Saved Unitary Development Plan (UDP) policies (November 2012), policies 3.5 and 7.4 of the London Plan (July 2011) and the Council’s adopted Supplementary Planning Document (SPD) Hillingdon Design and Accessibility Statement (HDAS): Residential Layouts which seek to protect local character. Similarly the National Planning Policy Framework requires new development to take account of local character.

Living conditions

12. The Council have raised concerns regarding an increase in noise disturbance to occupiers of neighbouring properties from vehicles exiting and entering the site. Given that the site is already used for vehicular parking, as noted above, and that the surrounding area is predominantly residential I am not persuaded that the proposed residential use of the appeal site would give rise to unacceptable levels of noise and disturbance.
13. For these reasons I find no conflict with policy BE1 of the Hillingdon Local Plan: Part 1 – Strategic Policies (November 2012), policies OE1, H12, BE19 and BE21 of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (November 2012) and the Council’s adopted SPD HDAS: Residential Layouts, which, amongst other things, seek to ensure new development does not result in undue disturbance to adjoining occupiers.

Highway safety

14. Hercies Road is well used by vehicular traffic. At the time of my site visit, around early afternoon, there was a steady stream of traffic. I acknowledge that my visit provided only a snap shot of highway conditions. It would be reasonable, however, to assume that traffic would increase at peak times such as weekday mornings and evenings. I note that Hercies Road provides a direct link to the A40.
15. The proposed access to the site would run between nos 71 and 73. It would serve no 71 and the two proposed dwellings. The proposed access would be narrow for a shared access. From the plans before me there would be no formal space provided for vehicles to pass. Given the constraints of the site, such as the positioning of nos 71 and 73 which create a pinch point along the access road, a passing place would be difficult to provide. The proposed arrangement would therefore result in occasions when a vehicle would have to reverse back out on to Hercies Road obstructing the highway if met with a vehicle travelling in the opposite direction.
16. The proposal would therefore be detrimental to highway safety and as such would conflict with policy AM7 of the Hillingdon Local Plan: Part 2 – Saved UDP Policies (November 2012) which seeks to protect the free flow of traffic and highway safety.

Education facilities

17. Policy R17 of the Hillingdon Local Plan: Part 2 – UDP Saved Policies indicates that contributions will be sought to meet the identified needs of the community including education facilities. Reference has been made to the Planning Obligations SPD, Revised chapter 4 “Education Facilities”. This outlines that contributions are calculated by determining the child occupancy of the proposed development and assessing this against the capacity of nursery, primary and secondary schools within catchment areas.
18. The submitted evidence shows that there is a deficit in nursery places. A small deficit in primary school places is shown and is predicted to rise in the near future. A deficit of secondary school places is also expected to arise around 2018. Minutes of the April 2014 Cabinet meeting are provided by the Council which include an update on the School Capital Programme. This refers to, amongst other things, expansion work to primary schools which will be funded in part from money collected through contributions from new development. The Council has therefore justified the sum sought demonstrating existing shortfalls and the effect the proposal might have on them. In addition detail of how and where the contribution would be spent has been provided. I therefore consider that this contribution is fair and reasonable in its scale, relates directly to the proposal and is reasonable in all other respects.
19. On the evidence before me an obligation would therefore be necessary to make the development acceptable. The appellant has confirmed a willingness to provide contributions along these lines but I have not been provided with a planning obligation to secure these. However as I am dismissing for other reasons this matter is not decisive.

Other matters

20. The appellant has provided a list of addresses where houses have been permitted to the rear of properties in Hercies Road and other roads. I have considered the appellant’s argument that these set a precedent for the proposed development. I have not been provided with full details of these permissions therefore, based on the evidence before me, it is not possible to determine the specific circumstances of these cases or if the sites are very similar. The properties referred to at 129 and 135 Hercies Road are some distance from the appeal site and like the other roads referred to do not provide an immediate context to the appeal site. In any event I have determined this appeal on its own individual merits.
21. Finally I note the appellant’s comments regarding the sustainable location of the appeal site in relation to its access to alternative modes of transport and that the proposal would ease pressure for greenfield development. Whilst these considerations may weigh in favour of the proposal to a very modest degree, they do not outweigh the harm identified above and so do not lead me to conclude differently in respect of the main issues of this case.

Conclusion

22. I appreciate that all matters including means of access and scale are reserved. However, given the constraints imposed by surrounding development I have not been provided with any persuasive evidence that demonstrates that it would be

feasible to accommodate the two dwellings proposed on the appeal site without causing harm to the character and appearance of the surrounding area and without having a detrimental impact on highway safety.

23. For these reasons I conclude that the appeal should be dismissed.

Hayley Butcher

INSPECTOR