



Appeal Decision

Site visit made on 14 February 2022

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/R5510/W/21/3285016

18 West Avenue, Hayes UB3 2EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Beebee Jehan Antooroo against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 73777/APP/2021/1381, dated 7 April 2021, was refused by notice dated 25 June 2021.
 - The development proposed is described as, "Erection of a two storey, 1-bed end-of-terrace dwelling with associated amenity space and parking including installation of associated vehicular crossovers (existing dwelling retained with porch removed)".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site comprises a semi-detached dwelling located in a residential area. The local area largely consists of semi-detached and terraced dwellings which are predominantly of a similar style. At the time of my site visit there were bricks laid to the side of 18 West Avenue (No 18), with hardstanding in front of this area, adjacent to the footway. A fairly small area of green space is enclosed by a fence to part of the frontage of the site. Beyond this is an area of hedgerow which also encloses green space. This hedgerow runs to the junction of West Avenue and Rowan Place and continues along Rowan Place.
4. In general terms the character of this urban area is changing and evolving over time, and the site is not within or adjacent to a conservation area. The proposal, for the erection of a 2-storey end-of-terrace dwelling to be attached to No 18, would appropriately reflect the design, ridge and eaves level, and materials of No 18. In doing so, it would also broadly mirror the appearance of other properties in the local area. Similarly, the appearance of the proposed hipped roof and the proposed soft landscaping areas would be appropriate for its context.
5. Considering the width of terraces in the vicinity, any 'terracing effect' created by the proposal would not result in material harm to the character and appearance of the area. Moreover, the proposal would leave a substantial visual gap above ground-floor level from the boundary of the site towards

Rowan Place. Accordingly, this important gap which contributes to the spaciousness of the area would be retained by the proposal.

6. Nevertheless, although the proposed dwelling's side elevation would sit comfortably inside the rear building line as defined by 2 Rowan Place, the proposed dwelling would be positioned within a narrow space between its side boundary and No 18. Taking account of the proposed dwelling's width and height, and its very close proximity to the side boundary, the proposed dwelling would appear unduly cramped within the site. The cramped nature of the proposed dwelling would be exacerbated by its prominent position near the junction between West Avenue and Rowan Place. As such, the proposal would cause significant harm to the character and appearance of the area.
7. I have had regard to *St Albans*¹ in relation to consistency of decision-making. In this regard, I observed 18A West Avenue (No 18A). The Council have stated that the width of the proposed dwelling would fail to match the building width of No 18A, and this has not been disputed by the appellant. Furthermore, the angle of the side garden area to No 18A is less steep when compared to the proposal's side garden area. Consequently, No 18A fits more comfortably within its plot than would be the case with the proposed dwelling. Hence, that example is not sufficiently comparable with the proposal before me. As a result, that example does not change my findings.
8. I observed other nearby examples referenced by the appellant². I note that they demonstrate the principle that new dwellings can, on appropriate sites, acceptability assimilate into the local area. Nevertheless, the constraints of each site and the immediate context are inevitably different to the proposal before me, meaning that the developments referred to are not sufficiently comparable with the proposal so as to change my findings. Although a landscaping strategy could be secured by condition, to enable new shrub planting, this would not overcome the fundamental design deficits identified above.
9. I therefore find that the proposal would have an unacceptable and significantly harmful effect on the character and appearance of the area. It would conflict with Policies DMHB 11 and DMHB 12 of the Local Plan: Part 2³ which collectively provide that, amongst other things, all development, including extensions, alterations and new buildings will be required to be designed to the highest standards and incorporate principles of good design. It would also conflict with Policies D3 and D4 of The London Plan (published 2021) which collectively provide that, amongst other things, development proposals should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness.
10. The Council's decision notice refers to Policy DMHD 1 of the Local Plan: Part 2 which relates to alterations and extensions to residential dwellings, rather than the erection of new dwellings. The decision notice also refers to Policy D1 of The London Plan which relates to area assessments and the preparation of development plans, rather than decision-making. Nevertheless, the above-

¹ *St Albans City & District Council v SSCLG* [2015] EWHC 655 (Admin)

² Including planning permissions at 8 Rowan Place, 38 West Avenue, 4 Longmead Road, 34 Longmead Road, 50 Longmead Road, 5 Drenon Square; and in relation to a dismissed appeal: 10 Townfield Road

³ Hillingdon Local Plan: Part 2 - Development Management Policies (adopted 2020)

mentioned policies are more than sufficient for me to come to a view on this main issue.

Other Matters

11. The Council did not refuse the application on matters relating to the living conditions of the future occupiers of the proposal, nor the living conditions of the occupiers of neighbouring properties, nor with respect to highway safety, vehicular access, parking, or flood risk. However, even if I were to likewise reason that the proposal would be acceptable in these respects, and in compliance with the development plan and the National Planning Policy Framework (the Framework), these would be neutral factors rather than ones which weigh positively in favour of the proposal.
12. The proposal would create a new dwelling in an accessible location, making an effective use of land at a density appropriate to the local area. It would also contribute to the Government's objective of significantly boosting the supply of homes, as advocated by the Framework. The proposal would contribute towards meeting the housing supply requirement for Hillingdon, as given in Policy H1 of The London Plan. In these respects, I am mindful that paragraph 69 of the Framework provides that, amongst other things, small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly, and Policy H2 of The London Plan provides that, amongst other things, boroughs should pro-actively support well-designed new homes on small sites through planning decisions.
13. Nevertheless, considering my findings on the main issue, as the proposal does not demonstrate that the site is a 'suitable site' for the purposes of paragraph 69 c) of the Framework in character and appearance terms, great weight cannot be afforded to the proposal on these grounds. The proposal would contribute to economic growth by creating work for construction professionals and from other indirect jobs created, and from the future occupiers of the proposed dwelling spending on local services and facilities. However, considering that only one new dwelling is proposed, the benefits in all these respects would be limited.
14. I have had regard to a fall-back position, in relation to a planning permission for a part two storey, part single storey side / rear extension⁴. This permission demonstrates that extending No 18 to the side is acceptable in principle. On the evidence before me, I consider that there is a real prospect that this permission would be implemented in full, should this appeal be dismissed. However, as the Officer's Report has not been provided it is not possible to scrutinise the internal logic applied by the Council in that case. Moreover, based on the details before me, that extension would be noticeably set-down and set-back from No 18 which would reduce its prominence in the street scene when compared to the proposed dwelling. Thus, I have given the fall-back position limited weight in favour of the proposal.
15. In light of the above, I give no more than moderate weight to all the benefits of the proposal. Set against these benefits is the significant harm that the proposal would cause to the character and appearance of the area. I therefore find that the matters advanced in support of the proposal, do not, either

⁴ 73777/APP/2018/1658

individually or collectively, outweigh the harm identified, nor the conflict with the development plan.

Conclusion

16. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is dismissed.

Alexander O'Doherty

INSPECTOR