



Appeal Decision

Site visit made on 8 February 2021

by **Tim Wood BA(Hons) BTP MRTPI**

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

Decision date: 1 March 2021

Appeal Ref: APP/R5510/W/20/3261724

Land adjacent to 39 Southcote Rise, Ruislip HA4 7LN

- 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 Lagom Church Road Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 74151/APP/2020/2097, dated 8 July 2020, was refused by notice dated 9 September 2020.
- The development proposed is the provision of 2no. 3 bedroom semi-detached dwellings with associated parking and amenity space and installation of 2 vehicular crossovers to the front.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;

- The effects of the proposal on the character and appearance of the area
- The effects of the proposal on neighbouring residents
- The standard of accommodation proposed.

Reasons

Character and Appearance

3. Policy DMH 6 of the Council's Local Plan Part 2 Development Management Policies (DMP) relates to 'Garden and Backland Development'. It states that there is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. It adds that, in exceptional cases, a limited scale of backland development may be acceptable subject to a number of criteria. Although there is no definitive definition of 'backland development' either within the DMP or elsewhere that I am aware of, it usually refers to sites with no street frontage, behind an established line of buildings. The Council's policy appears to make some distinction between 'garden' and 'backland' development and I agree with the implication that garden development may not always be backland development. In relation to the appeal site, it relates to the development of land which has historically been used as garden, notwithstanding the fact that it has been fenced off from the

surrounding land; I note that the appellant states that it is relevant to consider the proposal under Policy DMH 6, as a result.

4. Therefore, Policy DMH 6 sets out a clear presumption against the development of gardens, due to the positive contribution that gardens make to local character, amongst other things. The criteria set out later in the policy relate to backland development and I consider these to be irrelevant to the appeal scheme and so I do not consider them here.
5. The appeal site was clearly used previously as garden for No 39 and, when viewed from the road, it has all the appearance of forming part of the garden, with its flank elevation abutting the rear of the pavement on Westcote Rise. The new fence and the formation of a separate title deed do not alter this, in my view.
6. The area is characterised by semi-detached houses with reasonably long rear gardens. Whilst many of the gardens are largely hidden from direct views, the degree of separation of the rear of the buildings is obvious due to the distance between the buildings and is revealed here where the rear gardens have a side boundary with the road. The proposal would place the pair of semi-detached houses close to the rear elevation of No 39. In addition, the new building would be uncharacteristically close to the boundary with the road. Furthermore, whilst I note that the Council's minimum amenity space requirement would be met, I consider that the space around the new dwellings, particularly at the front and rear, would be uncharacteristically cramped.
7. The appellant indicates that the proposal would create its own character, which in itself is acceptable. Policy DMHB 11 of the DMP requires new development to harmonise with the local context. In my judgement, for the reasons set out above, the proposal would represent a significantly discordant feature which would harm the established character, contrary to Policies DMHB 6 and DMHB 11.

The effects on neighbours

8. The existing house at No 39 is set at a slight angle to its plot boundaries. Within its rear elevation there is a conservatory at the ground floor and what appears to be a bedroom at the first floor. There is also a patio area and garden to the rear of the house. Notwithstanding the slightly angled siting, I consider that the proposal would be clearly seen from within the rooms at No 39 that I have identified. From here the proposal would appear unreasonably close. In addition, when within the rear garden at No 39, the proposal would appear unduly dominant and oppressive.
9. Although not specifically raised by the Council, neighbouring residents suggest that the living conditions of others would be affected by the proposal. The very short proposed rear gardens and the proximity of the proposed building to the nearest gardens of houses on Southcote Rise and Orchard Close means that the proposal would have a similar dominating effect when seen from those gardens. In addition, the rear garden of No 37 Southcote Rise would be close to the rear elevation of the proposed houses, which would contain bedroom windows. I consider that this would be particularly disconcerting for residents at No 37 when using the rear section of their garden from where they would feel unacceptably overlooked. I do not consider that the possibility of landscaping here would provide an adequate screen, and there would be no

assurance that it would be maintained at a sufficient height to prevent overlooking, particularly taking account of the very short proposed gardens.

10. In relation to the proposed bedroom 3 within the roof space, if the roof-lights were to be lowered, as is suggested by the appellant, this could add to the potential for overlooking of the adjacent garden. For these reasons, the proposal is in conflict with Policy DMHB 11 of the DMP.

Standard of accommodation

11. The proposed bedroom 3 of each house would be contained within the roof-space and served by rooflights. These are indicated to be at high level. In my judgement, this would fail to provide a suitable outlook from this bedroom and conflicts further with Policy DMHB 11. The prospect of revising the position of the roof-lights could resolve this but would give rise to additional unacceptable overlooking as set out above.

Planning Balance and Conclusions

12. The proposal would result in 2 additional homes within a developed area, contributing to the supply of dwellings and I attach some weight to this. I have disagreed with the appellant in relation to a number of other issues, as set out above and these factors also weigh in the overall balance of issues. I have also taken account of the views expressed by local residents. Having done so, I consider that the harmful effects of the proposal would not be outweighed by any positive aspects of it. I also find nothing which is of sufficient weight to add to my concerns for the proposal.

13. As a result of my findings, the appeal is dismissed.

S T Wood

INSPECTOR