

Appeal Decision

Site visit made on 27 April 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/R5510/W/22/3309245

Mansard House, 800 Uxbridge Road, Hillingdon, Hayes UB4 0RS

- 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 Mr H Yadav against the decision of London Borough of Hillingdon.
 - The application Ref 75956/APP/2022/1527, dated 8 May 2022, was refused by notice dated 15 September 2022.
 - The development proposed is full planning permission sought for replacement of existing car park with new residential building housing a mix of 9 dwellings with car park and associated cycle and bin provision.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal, the appellant has submitted a revised layout plan showing a pedestrian and cycle link. I am conscious that the appeal process should not be used to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
3. In this case, the amendments would be very small and would not materially alter the proposed development such that to grant it would result in a development substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no material conflict with the Wheatcroft principles. I have therefore taken the revised layout plan into consideration.

Main Issues

4. The main issues are:
 - The effects of the proposal on the character and appearance of the surrounding area, including the setting of the Hayes Village Conservation Area and the Adam and Eve Public House, a Non-Designated Heritage Asset; and
 - The effects of the proposed access arrangements on pedestrian and cyclist safety.

Reasons

Character and appearance

5. The appeal site is a car park located to the rear of buildings that front onto Uxbridge Road. The site lies adjacent to a local job centre building, and an access leading to it from Uxbridge Road passes the "Adam and Eve Public House". Both these buildings lie within the Hayes Village Conservation Area (CA). Moreover, the "Adam and Eve Public House" is locally listed, and thus constitutes a Non-Designated Heritage Asset (NDHA).
6. The core of the CA lies on the southside of Uxbridge Road. The Council's CA Appraisal identifies that its significance lies, in part, to the retained built evidence of a mediaeval village, which retains a strong sense of the former rural village character of the area. From my observations I have no reason to disagree.
7. The original CA boundaries were extended to incorporate a small section including the NDHA and the adjacent job centre building. Their age, and historical associations make a positive contribution to the CA. There is a distinct change in scale and character between the buildings fronting Uxbridge Road and the land to the rear. The buildings along Uxbridge Road are generally taller, reflecting their status and mix of uses along the busy road. In contrast, buildings to the rear are generally lower in scale, and mainly include housing. The scale of a nearby approved scheme for flats along Uxbridge Road maintains this distinction between the different areas.
8. The positioning of the proposed building is set back to the north, such that it would have a greater spatial relationship with the job centre building and the low rise housing and their gardens, rather than the taller buildings further south. In this context the four storey core of the proposed building would appear significantly taller than the job centre building and low rise housing. Even though there would be space between the four storey core and the other buildings, it would, in this regard, fail to harmonise with the scale and pattern of the built form. This would be particularly evident from housing along Warley Road, gaps between houses along Warley Road, and in views with the job centre building and the NDHA from within the CA.
9. The CA Appraisal identifies an important view looking toward the NDHA from the junction between Uxbridge Road and Church Road. The positioning of the four storey core is such that the proposed development would not intrude significantly into this view. However, it would remain an unduly dominant building from closer views to the front, side, and rear of the NDHA. It would thus, be a harmful addition within its setting. This harm to the significance of the NDHA or the CA is not diminished because the more harmful closer views would not be from public land.
10. Moreover, the different window patterns, rhythm, proliferation and spacing of fenestration on the proposed front elevation would not, in my view, harmonise well together, further adding to my concerns.
11. Even though the appeal site has a somewhat unkempt appearance, the discrete nature of the car park surrounded by fencing is such that it does not intrude into the setting of the CA or the NDHA. This would be in contrast with the scale of the built form proposed, which would intrude significantly into their setting.

12. Overall, there would be considerable harm to the character and appearance of the surrounding area. This would manifest in harm to the setting of the CA and would diminish its significance. Even though the level of harm would be less than substantial, any harm is a matter that attracts great weight, having regard to paragraph 199 of the National Planning Policy Framework (the Framework). Moreover, paragraph 200 of the Framework advises, amongst other things, that any harm to the significance of a designated heritage asset from development within its setting should require clear and convincing justification. In accordance with paragraph 202 of the Framework I must balance that less than substantial harm against the public benefits of the development.
13. I have also identified harm to the setting of the NDHA, and in accordance with paragraph 203 of the Framework, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset.
14. The government places considerable importance on boosting the supply of housing, including from small scale developments built to modern efficient standards and on previously developed land. Moreover, the proposal would deliver economic and social benefits from the construction and occupation of the dwellings in a sustainable location, including from good quality family sized units. The absence of harm in relation to other considerations are neutral matters that do not weigh in favour of the scheme.
15. Overall, whilst there are benefits from the scheme, they do not outweigh the considerable weight I give to the harm to the setting of the CA. Moreover, the harm to the setting of the NDHA would, in my balanced judgement, be unacceptable, notwithstanding the benefits of the proposal.
16. I therefore find conflict with the requirements of Policies HE1 and BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012) (LP1), Policies DMHB1, DMHB3, DMHB4, DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two - Development Management Policies (LP2) (2020) and Policies HC1, D1 and D3 of the London Plan (LP) (2021) and the provisions of the Framework, when taken together and insofar as they relate to this matter. These say, amongst other things, that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Pedestrian and cycle safety

17. The vehicle entrance from Warley Road is narrow and bordered by built form. As such, any vehicles would not likely be travelling at speed. The presence of the access gates at the entrance would also reduce the potential for vehicles to be travelling fast. The remainder of the car park would be spacious with good visibility. Moreover, the presence of pedestrians, and to a lesser extent cyclists, in car parks are not unusual and drivers of vehicles would be aware to such risks as part of normal driving conditions. In this regard, and considering the short length of surface where it is narrow, even if this route was used by cyclists and pedestrians as well as vehicles there would not, in my view, be conflicts that would lead to unacceptable safety concerns.

18. The additional link proposed in the revised layout would provide an alternative route for pedestrians and cyclists. This alternative route is currently used by pedestrians, cyclists and vehicles, such as those visiting the job centre building and I have no evidence of any safety concerns from this existing arrangement. In my view, given its width, alignment and visibility and existing use, I consider that there would be no unacceptable safety concerns from this additional link.
19. I therefore conclude that the effects of the proposed access arrangements on pedestrian and cyclist safety would be acceptable. As such, I find no conflict with the requirements of Policies DMHB11, DMHB12 and DMT2 of the LP2, Policies D3 and T4 of the London Plan and paragraph 130 (f) of the Framework. These say, amongst other things, that decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Matters

20. The appeal scheme seeks to replace the existing 48 parking spaces with 24 parking spaces, 1 being allocated as a disabled parking space with the remainder allocated to existing commercial users. As such, the proposed flats would not have allocated spaces and there is agreement between the parties that a legal agreement is reasonable and necessary to secure this car free arrangement. However, there is no planning obligation before me that I can consider as part of this appeal.
21. Given my findings on the first main issue, considering matters relating to car free development further, would not alter the outcome of this appeal. On that basis, there is no need to examine this matter further for the purposes of making my decision.
22. The appellant has made changes to their scheme following the refusal of an earlier planning application with the view to finding a solution. However, this is not a matter for my consideration in this appeal and I have determined the appeal on its own merits.

Conclusion

23. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR