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# Appeal Decision

Site visit made on 31 July 2024

**by M Aqbal BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25 September 2024**

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**Appeal Ref: APP/R5510/W/23/3326961**

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

- 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 H Yadav against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 75956/APP/2022/3181.
  - The development proposed is replacement of existing car park with new residential building housing a mix of 9 dwellings with car park an associated cycle and bin provision.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Appendix B of the appellant's appeal submissions includes amended drawings: Proposed Ground Floor Plan - RYUR-AP3-1002, Rev A and Proposed Street Scene - RYUR-AP3-1009, Rev A. These drawings include three enclosed private amenity areas to the front of the proposed building.
3. The proposed private amenity areas are on land identified for landscaping on the drawings originally submitted with the application. These private amenity areas would be separated from nearby dwellings. Also, the appeal site is located to the rear of a busy road hosting a range of uses, which already generate a degree of noise and activity. Furthermore, the amended drawings do not alter the overall scale and nature of the proposal.
4. Consequently, I have accepted the amended drawings in determining this appeal and do not consider that the interests of any party have been prejudiced by my having done so.

## Background and Main Issues

5. The Council's fourth reason for refusal relates to pedestrian and cyclist safety in relation to the proposed access arrangement.
6. A previous planning application relating to the appeal site Ref. 75956/APP/2022/1527, was refused for a residential development in broadly the same location with a similar access arrangement as the appeal scheme. This planning application was subsequently appealed and dismissed (Ref. APP/R5510/W/22/3309245). Despite this, the Inspector concluded that the effects of the proposed access arrangement would be acceptable with regard to pedestrian and cyclist safety.

7. In light of the above appeal decision, the Council is no longer pursuing its fourth reason for refusal. I have also considered this and have no reason to disagree.
8. Accordingly, the main issues are:
  - i) The effect of the proposal on the character and appearance of the surrounding area, including the setting of the Hayes Village Conservation Area ('the Conservation Area') and a Non-Designated Heritage Asset ('NDHA');
  - ii) whether the proposed scheme makes acceptable provision for private outdoor amenity space; and
  - iii) whether the proposed parking arrangement would be detrimental to highway safety.

## **Reasons**

### *Character and appearance*

9. The appeal site is part of 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 a building which is presently occupied by a restaurant trading as 'Shiraz.' Both these buildings are within the Conservation Area. The building occupied by 'Shiraz' is locally listed because of its history and architecture, and thereby constitutes a NDHA.
10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a requirement that special attention should be paid to the desirability that the character or appearance of the conservation area should be preserved or enhanced. The National Planning Policy Framework ('the Framework') requires me to assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
11. The majority of the Conservation Area is located to the southside of Uxbridge Road. Based on my observations 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. This includes the quality and arrangement of its green spaces and built development.
12. The Conservation Area boundary incorporates a small area to the west of the appeal site. This includes the NDHA and the adjacent job centre building. Their individual designs and historical associations make a positive contribution to the Conservation Area.
13. At present because of the lack of development and the prominence of the trees in the background, the appeal site provides an open and verdant setting to the nearby heritage assets.
14. There is a notable 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.

15. The proposed building would be set back to the north of the site. As such, this would have a greater spatial relationship with the job centre building and the low rise housing and their gardens, rather than the taller buildings to the south. Although the proposed building incorporates three levels of accommodation, the upper floor would be accommodated within its mansard roof. Accordingly, the proposed building would be of a similar height to the job centre building and low rise housing. Therefore, the broad siting and scale of the proposed building would assimilate with the existing built form.
16. The mansard roof design and form of the proposed building reflect that of a building along Uxbridge Road. Whilst the principal façade of the proposed building would incorporate a number of windows and dormers, these are generally aligned and give the building a degree of uniformity and rhythm. Furthermore, the two entrances provide the building some legibility. The overall composition of the proposed building would be enhanced by the proposed landscaping. Therefore, subject to details in respect of materials, finishing, doors and fenestration, which could be agreed by conditions if the appeal succeeds, the proposal would be of an acceptable design.
17. The Conservation Area Appraisal identifies an important view looking toward the NDHA from the junction between Uxbridge Road and Church Road. Because of its siting, scale and separation from this junction, the proposed building would not intrude significantly into this view.
18. The proposed building would remain visible from closer views to the front, side, and rear of the NDHA and land to the fore of the job centre building. Nevertheless, because of its acceptable siting, scale, design and landscaping, this would not harm the setting of the Conservation Area or the NDHA.
19. Accordingly, the proposal does not harm the character and appearance of the area and would comply with Policy BE1 of the Local Plan (Part One) (2012), policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), and Policies D1 and D3 of the London Plan (2021). These seek, among other matters, for development to be of high quality, which harmonise with the local context taking into account the surrounding scale and height of adjacent structures and a design-led approach that optimises the capacity of a site.
20. I also find no conflict with Policy HE1 of the Hillingdon Local Plan: Part One (2012), policies DMHB 1, DMHB 3 and DMHB 4 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and similar aims of the Framework, which seek to conserve and enhance the areas historic environment.

#### *Amenity space*

21. Private outdoor amenity space positively contributes to the quality of dwellings and the health and wellbeing of residents. Table 5.3 of Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) requires a minimum of 25 sqm of private amenity space for 2 bed flats and 30 sqm of private amenity space for 3 bed flats. Based on the proposed accommodation, the scheme generates a requirement for about 240 sqm of outdoor private amenity space.

22. As originally submitted, the scheme incorporates a communal outdoor garden measuring about 186 sqm. Based on the amended drawings an additional 60 sqm of private amenity space is proposed. This would comprise 3 separate areas for each ground floor flat. It is disappointing that these private amenity areas are not designed to be directly accessible from the living areas of the flats they serve. Nevertheless, these, along with the communal outdoor garden, which would be largely used by the occupiers of the 6 upper floor flats, provide an acceptable quantum of outdoor amenity space for residents of the proposed development.
23. Consequently, the proposal accords with the overarching aims of Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

*Parking and highway safety*

24. As a consequence of the proposal about 24 of the 48 existing parking bays, which serve nearby commercial uses would be lost. The retained 24 parking bays are shown to the fore of the proposed building. Of these, 23 parking bays are intended for existing nearby commercial uses and the other would be a disabled person parking bay to serve the proposed flats.
25. With the exception of the proposed disabled persons parking bay, the main parties have accepted that the proposed development can be car free. Having taken account of the information before me, I have no reason to disagree. Therefore, it is common ground between the parties that a legal agreement is reasonable and necessary to secure a parking permit free development. This would manage local parking stress by ensuring that occupiers of the proposed flats are not allowed to obtain parking permits to use in nearby Controlled Parking Zones.
26. The 23 retained car parking bays are within the appeal site and conveniently located next to the proposed flats. The use of these retained car parking bays by residents of the proposed flats would result in the displacement of commercial vehicles and associated servicing on to nearby highways. Although it is suggested that these retained parking bays are to be managed between the appellant and commercial users by lease agreements, the details of these are not before me. In any event, there is no certainty that these would operate in perpetuity for the life of the development.
27. Therefore, in the absence of any complete legal agreement or any other robust mechanism to ensure that the proposed development is car free and that its residents will not use the 23 retained parking bays, there is no certainty that the proposal would not result in local parking stress, congestion and inconsiderate parking to the detriment of highway safety.
28. Consequently, the proposal would be contrary to Policy DMT 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policy T4 of the London Plan (2021). Amongst other things, these policies require that the cumulative impacts of development should not increase road danger and not contribute to the deterioration of safety of all road users and residents.

## **Planning balance and Conclusion**

29. I have found that the proposal would not harm the character and appearance of the area or nearby heritage assets. The proposed scheme also makes acceptable provision for outdoor amenity space. However, I have found that the proposal is likely to prejudice highway safety. For this reason there would also be conflict with the development plan.
30. The proposal would deliver 9 new dwellings by making effective use of previously developed land in a location reasonably accessible to shops, services and facilities. These would make a relatively modest but important contribution towards the Council's supply of housing. Therefore, the proposal supports similar Government objectives, as set out in the Framework. There would also be direct and indirect social, economic and environmental benefits associated with such a proposal. Given the modest scale of the scheme, I afford this and its associated benefits limited weight. Consequently, this does not outweigh the harm that I have identified and conflict with the development plan.
31. For the above reasons, I conclude that the appeal should be dismissed.

*M Aqbal*

INSPECTOR