
Appeal Decision

Site visit made on 11 May 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 May 2023

Appeal Ref: APP/R5510/W/22/3309744

251 Long Lane, Hillingdon, Uxbridge UB10 9JP

- 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 Arif Sheikh against the decision of London Borough of Hillingdon.
 - The application Ref 76753/APP/2021/3469, dated 13 September 2021, was refused by notice dated 29 April 2022.
 - The development proposed is Subdivision of plot and erection of 1 x 2 bed dwelling (Use Class C3), landscaping, and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues with respect of the proposal are:
 - The impact of the proposal on the character and appearance of the street scene;
 - Whether or not the proposal would harm the living conditions of the adjacent occupants by virtue of overlooking and loss of privacy, and whether or not the proposal would compromise the living conditions of the future occupants as a result of the amount of private amenity space; and
 - Whether or not the proposal would lead to a pedestrian and highway safety issue.

Reasons

Character and appearance

3. The appeal site is the garden of 251 Long Lane that extends to the cul-du-sac behind of Parkway. The existing garage of this dwelling is accessed from Parkway and would be removed to accommodate a two-storey dwelling. It is obvious from site inspection that a number of houses have been erected within neighbouring gardens here with independent vehicular access from Parkway. However, ancillary buildings are located either side of the appeal site.
4. Dwellings along Parkway varies in their characteristics with a number of different house styles, designs and sizes flanking the road. A common characteristic along the same side of the road as the appeal site is that houses fronting Parkway are angled away from the road. In addition, it is obvious that plots deepen the further they extend towards Hillingdon Court Park.

5. The proposal would most closely relate to the modern houses that have been built within rear gardens adjacent to the appeal site. This proposal would however differ from these as the plot size is visibly smaller. The proposed scale and massing would fill most of the width of the plot with built development and only a small pedestrian gap to one side of the house remaining. In addition, despite the proposed overhang, its set back from the front of the site would be very limited, further amplifying its bulk.
6. The proposed dwelling would appear cramped in its plot and out of character with the street scene where the layout of other plots are visually more spacious when compared to the appeal site, and the dwellings appear proportionately in scale to the size of the plot. This is taken together with greater private space surrounding others. This proposal would lead to detrimental visual intrusion to the character and appearance of the street scene.
7. As a consequence of its poor relationship in this street scene context, it would not meet the design expectations of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), and the broad design aims of the National Planning Policy Framework (2021). I also find conflict with the London Plan (2021) Policies D3, D4 and D6 in the same broad regard. However, I find no direct relevance to London Plan Policies H4 and H8 as they refer to affordable housing and loss of existing housing.

Living conditions

8. The separation distance between the rear elevation of Number 251 and that of the first floor of the proposal would not meet the desired level set out by the Council at approximately twenty-one metres. Overlooking would therefore occur between the two dwellings with No 251's rear facing bedroom window and the first floor rear window serving a bedroom of the proposal. These rooms are habitable rooms and despite the appellant pointing me to the Mayoral Housing Guide relating to minimum standards, given the relationship between the two, it would negatively affect the living conditions of both occupants.
9. Therefore, as a result of the scale of the proposal and the shorter separation distance from these windows, overlooking and a loss of privacy would occur between dwellings. This would result in failing to safeguard the living conditions for both future occupants and those of the existing dwelling.
10. In respect of the external space remaining, I am mindful that the proposal is within close walking distance to Hillingdon Court Park. This would off-set the reduced amount of external space that would be required for a dwelling of this size. However, as I have found the proposal to be unacceptable in other areas, its failings in these specific areas outweighs the mitigation of reduced external space.
11. Therefore, to conclude, by virtue of the substandard intermediate separation distance that would fail to protect the living conditions of the existing and future occupants, the proposal would not comply with Policy DMHB 11 of the Hillingdon Local Plan - Part Two (2020) that seeks, amongst other things to safeguard living conditions, as well as the National Planning Policy Framework (2021) that aims to protect amenity. However, on balance the proposal would

provide sufficient external private space to meet the spacing objectives of Policy DMHB 18 of the Hillingdon Local Plan - Part Two (2020).

Highway and pedestrian safety

12. A garage currently provides on-site parking for No 251 with a dropped kerb to Parkway. An integral garage would provide parking for the appeal proposal. The existing garage is positioned at an angle to the road. This alignment does not appear to be significantly different to the arrangement as existing, or to that of other houses I viewed on site.
13. Therefore, I find no discernible difference that would lead me to conclude that the proposal would lead to danger to both pedestrians and the highway. The scheme would therefore comply with Policy DMT2 and DMT6 of the Hillingdon Local Plan (2020) and Policy T6 of the London Plan (2021) in their parking standards and highway safety objectives.

Other Matters

14. Another dwelling would add to the local housing stock, although of very limited capacity to outweigh the harm I have identified. I apportion only limited weight to its proposed sustainability credentials that could be applied to another scheme on the site.
15. An appeal decision brought to my attention by the appellant is not sufficiently the same scheme to allow me to compare and is a considerably larger plot that was previously occupied by a dwelling. In any case, each proposal is determined on its own merits to which I have considered the facts on the ground.

Balance and Conclusion

16. I have found no harm would arise to the future occupants by way of the level of external private space, or on the basis of pedestrian and highway safety. However, its effect upon the character and appearance of the street scene and to the living conditions of No 251 and the future occupants leads me to conclude against the proposal. Its benefits would not mitigate the harm.
17. Therefore the proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal is dismissed.

Alison Scott

INSPECTOR

