



Appeal Decision

Site visit made on 16 July 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/R5510/W/23/3332290

107 Victoria Avenue, Uxbridge UB10 9AJ

- 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 Ryszard Sokolowski against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 7828/APP/2022/3326.
 - The development proposed is described as a proposed 3 bedroom house with amenity provisions and single off-street parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
3. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any party. Therefore, in reaching my decision I have had regard to the Framework published in December 2023, and any reference to paragraph numbers are to this version.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character, appearance and amenity of the surrounding area, with specific regard to the Oak tree subject to a Tree Preservation Order (TPO) and soft landscaping at the front of the site.

Reasons

Character and appearance

5. The appeal site is an end of terrace property located at the end of Victoria Avenue in Uxbridge. The surrounding area is residential consisting of mainly closely packed traditionally designed terrace properties. The area has a perceptible rhythmic pattern and there is a noticeable lack of street trees and vegetation within Victoria Avenue, providing a hard built environment with a distinctly urban feel. The majority of properties exhibit off-street parking with various forms of hardstanding, with a distinct lack of soft landscaping on these

forecourts. As such, the majority of green landscape is located in the rear gardens, which include various trees, shrubs and vegetation.

6. The proposal seeks to demolish an existing single storey side garage and erect a 3-bedroom dwellinghouse over two-storeys with living accommodation within the roof space. Both parties are in agreement that the design of the proposal would be in keeping with the host property and the surrounding area, and could be appropriate in this location, subject to conditions. However, there are concerns in respect to an Oak tree outside the control of the appellant which is subject to a TPO.
7. As stated, the character of the area has an urban feel, and given the lack of overall soft landscaping, the Oak tree, due to its size and prominence within the locality, makes a significant and positive contribution to the character, appearance and amenity of the area, hence its protected status. Whilst the tree is located outside the appeal site, the proximity to the boundary means its roots would be present within the appeal site. The submitted Tree Survey and Arboricultural Implications Assessment (AIA)¹, confirms this and highlights the proposal would be situated within the Root Protection Area (RPA). However, the AIA also confirms that damage to roots in the RPA, can be minimised through the provision of pad and beam foundations.
8. I acknowledge that the use of the pad and beam will utilise the smallest pile diameter possible to reduce the size and depth of the holes required and thus the possibility of striking major tree roots. It is further acknowledged that manual installation and tree protection measures will be employed to assist in the retention of the health, appearance and amenity value of the Oak tree during construction. Nevertheless, the proximity of the proposal in relation to the protected tree would create an inevitable need for more regular and extensive pruning, to maintain sufficient clearance to minimise leaf litter and detritus.
9. I note that the appellant refers to the tree providing a dappled effect in regard to shading, however the ground floor kitchen and the bedrooms at the first floor and roof levels, at the rear of the property, are all single aspect. I have no details before me in respect to any sunlight/daylight analysis to demonstrate whether acceptable levels of daylight can be achieved, and thus I have adopted a precautionary approach. However, given the orientation of the site and the height of the tree, it is likely that it would cast a long shadow towards these rooms in the proposed property, particularly during the mornings. This would restrict the amount of natural light that could enter these rear rooms, leading to poor living conditions, and pressure to thin the canopy of the protected tree.
10. Furthermore, whilst future occupiers would have a rear garden area of approximately 127m², only limited parts of this garden would be unaffected by the shading of the trees canopy. The shading effects would worsen as the tree matures, undermining the enjoyment and useability of the garden. Therefore, the relationship of the tree with the garden would make lopping, topping or felling works more desirable for future occupiers, irrespective of the trees protected status.
11. I have given careful consideration to the protection of the existing Oak tree offered by the TPO and the use of conditions which could also protect the tree,

¹ Prepared by Indigo Surveys dated April 2021 (Ref: AIA/20374/A2)

in an attempt to mitigate any harm. However, in order to maintain the required levels of light as a result of the new residential accommodation, pressure for additional works to the tree would inevitably be placed on it, which would diminish the contribution the tree makes to amenity. This would impact negatively on the character of the area. As such, I am not persuaded that the imposition of conditions would mitigate the likelihood of further harm to the character and appearance of the area arising from the development's effect on the tree in the longer term.

12. In regard to the soft landscaping at the front of the site, I have had regard to the existing front treatments in the area and the details as submitted on the proposed ground floor plan. Whilst limited in detail, these highlight that a modest degree of soft planting and landscaping could be achieved at the front of the site, which could be representative of the existing character. Had I otherwise found the appeal acceptable, conditions could be attached to secure a suitable landscaping scheme as part of any approval.
13. Nevertheless, I find that the proposed development would have an unacceptable effect on the health and life expectancy of the protected Oak tree, which is an important landscape feature. Consequently, the proposal is contrary to the relevant sections of Policies DMHB 11, DMHB 12, DMHB 18 and DMH 6 of the London Borough of Hillingdon Local Plan Part 2 – Development Management Policies, adopted January 2020, which amongst other things, collectively seek a good standard of design that protects and enhances amenity and contributes to local green infrastructure and appearance of the area. The proposal would also conflict with the Framework insofar as it requires development to be sympathetic to local character and seeks to safeguard significant trees.

Other Matters

14. I recognise that the proposal has generated third party interest, who have raised various other matters, including but not limited to, overdevelopment; impact on neighbouring amenities; and effects on traffic and parking. Whilst I take these submissions seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters, which have been found acceptable by the Council.

Conclusion

15. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Material considerations do not indicate that a decision should be taken other than in accordance with that plan. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Robert Naylor

INSPECTOR