
Appeal Decision

Site visit made on 28 July 2015

by H Baugh-Jones BA(Hons) DipLA MA CMLI

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

Decision date: 22 September 2015

Appeal Ref: APP/R5510/W/15/3008867

32 Chudleigh Way, Ruislip, Middlesex HA4 8TP

- 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 Charles Khan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 49030/APP/2014/3846, dated 4 November 2014, was refused by notice dated 30 December 2014.
 - The development proposed is removal of existing garage and part-built side conservatory: proposed new 2 storey, 3 bed attached end of terrace house and associated gardens and on-site parking.
-

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey, 3 bed attached end of terrace house and associated gardens and on-site parking at 32 Chudleigh Way, Ruislip, Middlesex HA4 8TP in accordance with the terms of the application, Ref 49030/APP/2014/3846, dated 4 November 2014, and the plans submitted with it, subject to the conditions set out in the Schedule to this decision.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area including the local street scene.

Reasons

3. The appeal site comprises part of the garden area to a two-storey end of terrace property within an established residential area. Because of its corner location, the plot has an expansive curtilage which is much larger than the typical size of neighbouring plots. This serves to create a large gap between No 32 Chudleigh Way and its neighbour, No 30.
4. Adopted Local Plan¹ (LP) policy BE1 deals with the quality of the built environment and seeks to resist inappropriate garden development. Saved Unitary Development Plan² (UDP) policies BE13 and BE15 require development to be in harmony with its surroundings and respect the character of existing buildings. In addition to these specific policies, I have had regard to the Council's Design and Accessibility Statement (HDAS) Supplementary Planning Document which provides guidance on the harmonious integration of new

¹ Hillingdon Local Plan: Part 1 - Strategic Policies (Adopted November 2012)

² London Borough of Hillingdon Unitary Development Plan (adopted 1998)

development into its surroundings. By way of its scale and proportions, the proposed dwelling would relate well to the existing block of four terraced properties and would be similar in its detailing. The design would therefore complement the prevailing style of property in Chudleigh Way and Brixham Crescent. Furthermore, the size of the plot and the available width across its frontage would allow the new dwelling to be accommodated comfortably without appearing cramped in its surroundings.

5. The Council asserts that gaps between properties are a characteristic feature of the area. However, whilst some larger gaps between terraced blocks remain, many have been filled with single or two-storey extensions. The overall effect of this is to create a continuous line of built form where visual breaks between dwellings are now either non-existent or greatly reduced. Consequently, where larger gaps remain, they appear more as oddities and their effectiveness in defining the character of the local street scene has been all but lost.
6. The gap between No's 30 and 32 is one of the few remaining within the Chudleigh Way/Brixham Crescent area. However, when looking along Chudleigh Way towards the appeal site, its full extent is not revealed until the viewer is almost level with No 30 and it is not, therefore a strong feature in this view. Because the proposed dwelling would follow the orientation of the host terraced block, it would be largely obscured in views along Chudleigh Way. The level of change to the street scene would therefore be very localised, and in any case, would reflect and respond well to the current character and appearance of the residential area.
7. The full extent of the break between No's 30 and 32 is noticeable in views from the south western part of Brixham Crescent. However, the terraced block forming No's 32-38 is positioned at an oblique angle to the line of this street and the proposed dwelling would follow the same building line. The effect of this would be to maintain a separation distance of about 4.5 metres between No's 30 and 32 ensuring the continuance of a clear break between properties in views from Brixham Crescent. Furthermore, the width of this break would be broadly similar to that at the other end of the host block. In this respect the new dwelling would be harmonious with its surroundings.
8. The proposed development would result in a reduction to, but not the closure of the current gap between properties. Because of the space between Nos 30 and 32 and the modest width of the proposed dwelling, it would not appear cramped or represent an overdevelopment of the site. Consequently, the appeal proposal would not result in unacceptable effects that would bring it into conflict with the terms of adopted LP policy BE1 and saved UDP policies BE13 and BE15.

Conditions

9. I have considered the conditions suggested by the Council, having also had regard to paragraph 206 of the National Planning Policy Framework and Planning Practice Guidance. The conditions imposed are based on those suggested but with some variation in the interests of clarity.
10. In addition to the standard time limit, the approved plans are specified in the interests of proper planning and for the avoidance of doubt. Conditions relating to materials, boundary treatments, external surfaces and finished floor levels are necessary to ensure that the appearance of the development is

satisfactory. A condition relating to sewerage and surface water is appropriate to ensure adequate site drainage. A condition relating to the parking of vehicles is necessary in the interests of highway safety. However, in terms of the Council's suggested condition requiring the provision of visibility splays, there is already a significant area of parking associated with the property and the intensification in use would not be sufficient to warrant alterations to the site access. Consequently, I do not consider it necessary to impose such a condition as highway safety would not be compromised. On the information before me, I am not convinced that it would be reasonable, given the scale and nature of the development to require the provision of a green roof or living walls, or to provide the justification for their lack of inclusion. Furthermore, there is no specific policy within the London Plan or its complementary Housing Supplementary Planning Guidance that requires this. I have not imposed the Council's suggested condition relating to a number of requirements under the heading of 'hard landscaping' as these do not relate to the scale and nature of the development and/or are addressed by way of other conditions. Neither do I find it necessary to require the landscaping of the private garden.

Conclusion

11. For the reasons given above and having had regard to all matters raised, I conclude that the appeal should be allowed.

Hayden Baugh-Jones

Inspector

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No's 21a, 22, 23a, 24, 25a.
- 3) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the proposed dwellings are occupied. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the details on the submitted application form no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 5) No development shall take place until details of the materials to be used in the construction of all hard-surfaced external areas have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

- 6) No development shall take place until details of the finished floor levels of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) The dwelling shall not be occupied until works for the disposal of sewage and surface water have been provided on site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.
- 8) The car spaces to be provided as shown on Drawing No 21a shall be kept available for the parking of motor vehicles at all times. The car spaces shall be used solely for the benefit of the occupants of the dwelling of which it forms part and their visitors and for no other purpose and shall be permanently retained as such thereafter.