
Appeal Decision

Site visit made on 25 January 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/R5510/W/21/3281622

59 Elm Avenue, Ruislip HA4 8PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr A Gudka against London Borough of Hillingdon.
 - The application Ref 60130/APP/2021/2463, is dated 20 June 2021.
 - The development proposed is full planning permission for demolition of existing dwelling and erection of a residential building housing 6 flats with associated bins and cycle provision. Removal of corner drop kerb and widening of existing front drop kerb.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Preliminary Matter

2. The appeal results from the Council's failure to determine the planning application within the prescribed period. There is no formal decision on the application, as jurisdiction over that was taken away when the appeal was lodged. However, the Council's statement of case includes the reasons why the planning application would have been refused had it been empowered to do so. I have also considered the appellant's statement of case and representations of interested parties. I have drawn on this to inform the main issue in this appeal.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

4. The appeal site is in a prominent position on the corner of Elm Avenue and Oak Grove and contains a bungalow in large grounds. Although the existing building does not make a particularly positive contribution to the street scene, its low profile means it is not dominant. The prominence of the site results in a degree of sensitivity, particularly when combined with the increased scale and massing of development proposed.
5. The design of the building as viewed from Elm Avenue would have two distinct gable features with a matching window pattern, giving the appearance of a semi-detached dwelling. However, the balance of the gables would be broken by a single storey flat roof projection to the front on one of the gables, resulting in an awkward and contrived feature. Although this is a small part of the scheme it would, nonetheless, undermine the overall quality of the design of the front presentation to the street.

6. The appellant has made changes to the design from previous proposals, including schemes considered at appeal. Whilst I have had regard to these decisions and there are similarities, there are also differences. The omission of the mock Tudor timber features within the gables has resulted in a design that would appear somewhat plain and lacking interest within the street scene, despite the split in materials from the ground and upper floors.
7. I have had regard to the appellant's suggestion that such detailing could be secured by way of a condition. I am conscious that the appeal process should not be used to progress alternatives to a scheme that has been refused. However, this would not, in any case, overcome my concerns in relation to the overall treatment of the front elevation in the street scene from the contrived front projection.
8. Elm Avenue is characterised by detached, semi-detached two-storey buildings and bungalows with several being very large houses. In this context, increasing the scale and bulk of built form from the existing bungalow would not be at odds with the grain of development. However, the increased prominence of the replacement building on an already prominent corner plot means that the effects from the design detailing would be starker in the street scene, to its detriment.
9. The single storey flat roof rear projection would not be prominent and such a feature would not appear at odds with its rear location, even though it would erode the balance of the rear elevation. The main roof of the building would have pitched slopes, such that the flat roof element would not be prominent in public views and would not be harmful in the street scene. The absence of harm in relation to these, and other elements of the design, including the positioning of the building within its plot and position and scale of dormers, do not outweigh my findings in relation to the overall quality of design.
10. I therefore conclude that the proposal would have an unacceptable effect on the character and appearance of the surrounding area. The proposal would therefore conflict with the requirements of Policy BE1 of the Hillingdon Local Plan: Part 1 (2012), Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part 2 (2020), Policies D3 and D6 of the London Plan (2021) and the National Planning Policy Framework (2021). These require, amongst other things, that all development be designed to the highest standards and, incorporate principles of good design including harmonising with the local context.

Other Matters

11. The proposal would make an efficient use of a small site, including through accommodation within the roof space and would result in additional dwellings in a sustainable location. As such, there would be a small amount of social and economic benefits associated with the development. However, there is no substantive evidence to suggest that an alternative design would not also achieve such benefits. As such, the benefits in this regard, do not outweigh my findings on the main issue.
12. I have no firm evidence that an alternative scheme for a smaller development is not viable. In any case, my concerns do not relate to the principle of redeveloping the site or the number of units proposed but to the detailed design of the proposal before me.

13. The absence of harm in respect of other considerations are neutral matters weighing neither for nor against the proposal. Concerns regarding the processing of the application are not issues that I can assess as part of this appeal and do not affect the planning merits of the proposal before me.

Conclusion

14. 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, and planning permission is refused.

Mr R Walker

INSPECTOR