



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Kamal Pankhania

Proposal:
Erection of a detached three-bedroom house

Appeal Site:
Highgrove House, Lidgould Grove, Ruislip, HA4 8BP

1. Introduction

Our Ref:
Your Ref:

10622/APP/2021/1490 & 10622/APP/2021/1491
APP/R5510/W/21/3284183

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its non-determination of application references 10622/APP/2021/1490 & 10622/APP/2021/1491.
- 1.2 The applications were presented to the Major Applications Planning Committee on the 16th of November with a recommendation that had appeals against non-determination not been lodged the applications be refused. Planning Committee determined in accordance with the officer recommendation. The Planning Committee outcome is appended to this statement. The reasons for refusal for the full application (10622/APP/2021/1490) are stated below:

1. The proposed development by reason of its location, scale, bulk and design would be an inappropriate development of the site that would fail to either preserve or enhance the setting of the grade II listed Highgrove House. The proposal is therefore contrary to Policies HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 2 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and paragraphs 189-208 of the National Planning Policy Framework (2021).
2. The proposed location of the new detached house would be directly in front of the main elevation of No. 17 Lidgould Grove and would encroach into its front garden space resulting in the new house being built just 1.5 metres from its primary frontage. The new house, as a result, would have a significant detrimental impact on the outlook of No. 17 which would lose views across the grounds of the Highgrove house, overshadowing the property and significantly reducing sunlight and daylight for residential occupiers. This arrangement would have a totally unacceptable impact on the residential amenity of this property. The detrimental impact would be exacerbated by the fact that No. 17 has no windows in the rear elevation for privacy purposes, thus relies even more strongly than usual on the windows in the front elevation to provide outlook and daylight.

The proposed detached dwelling would also be located only 6m from the most southern elevation of the existing Highgrove House which includes a living room window (as approved under application references 10622/APP/2009/2504 and 10622/APP/2009/2506). In addition it would be located only 14m from the main southern elevation of the listed building and the proposed Bedroom 1 would therefore have a window below 21m from the bedroom windows approved in the southern elevation of Highgrove House. Therefore, the proposal would be contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), policy BE1 of the Local Plan Part 1 (2012).

3. The proposed development would fail to provide sufficient external amenity space to the detriment of the amenity of future occupiers, contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).
4. Insufficient detail has been provided to demonstrate that the proposed development would not have a detrimental impact on the ecology of the immediate locality, including the adjacent Highgrove Nature Reserve (Nature Conservation Site of Borough Grade II or Local Importance). As such the proposed development is contrary to Policy EM4 (Open Space and Informal Recreation) and Policy EM7

(Biodiversity and Geological conservation) of the Local Plan: Part 1 - Strategic Policies (2012), Policy DMHB 11 and Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (January 2020) and Policy G6 of the London Plan (2021).

- 1.3 The reasons for refusal for the Listed Buildings Consent application (10622/APP/2021/1491) is stated below:

Insufficient information has been provided to show what alterations are proposed to the ancillary railings and structures to consider the harm to the Grade II Listed heritage asset. The proposal is therefore contrary to Policies HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 2 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), Policy HC1 of the London Plan (2021) and paragraphs 189-208 of the National Planning Policy Framework (2021).

- 1.4 The LPA's case is set out in the two Planning Officer's committee reports, which should be read in conjunction with this statement. Copies of the committee report are provided in the appendices. Copies of relevant planning policies are included at Appendix 6.
- 1.5 This statement will not repeat the committee reports and will focus on providing additional weight to the refusal reasons noted above and addressing matters raised in the Appellant's statement of case.

2. LPA Appeal Statement of Case

- 2.1 The Appellants Statement of Case sets out the site location and surroundings, the history of Highgrove House, planning policies the applicant considers relevant with associated commentary and text from submitted supporting documents. The Appellants Statement of Case concludes that the proposal is, in the opinion of the Applicant, acceptable.

3. LPA Comments on Appellant's Statement of Case

- 3.1 The Appellants Statement of Case raises no additional matters to those covered within the case officer's committee reports. It should be noted that the Appellants Statement of Case makes the same error as the submitted Design and Access Statement by referring to No. 16 Lidgould Grove as No. 17 Lidgould Grove (page 4). No. 17 has its front elevation facing directly towards the application site. If approved the new dwelling would be directly in front of the front elevation of No. 17 Lidgould as described within the committee report.
- 3.2 After concerns were raised by consultees regarding land ownership, Land Registry records have been reviewed and it was determined that the submitted redline boundary plan was incorrect and the redline plan included land to the south of Highgrove House within the ownership of LB Hillingdon. The Applicant has submitted an amended Location Plan (Rev J) which is attached in the appendices.

- 3.3 These applications received two petitions in objection to the proposed development with 154 signatories. This necessitated that the applications be reported to Planning Committee as per the Council's Planning Committee & Officer Delegations document (dated 20th May 2021). The applications were presented to Planning Committee on the 16th of November 2021.
- 3.4 The Inspector is asked to note that the submitted Questionnaire included Question 19.b. which asked 'Are any protected species likely to be affected by the proposals?' The LPA ticked 'No' in response, however as per Reason for Refusal No. 4 the correct response to Question 19.b. should have been 'Yes'.
- 3.3 The determination of Planning Committee was that had had appeals against non-determination not been submitted the applications would have been refused.

4. Conclusion

- 4.1 For the reasons set out in the committee reports, the proposed development, by reason of its location, scale, bulk and design would be an inappropriate development of the site that would fail to either preserve or enhance the setting of the grade II listed Highgrove House. The proposal would have a significant detrimental impact on the outlook of No. 17 Lidgould which would lose outlook, cause overshadowing and significantly reduce sunlight and daylight for residential occupiers. The detrimental impact would be exacerbated by the fact that No. 17 has no windows in the rear elevation for privacy purposes, thus relies even more strongly than usual on the windows in the front elevation to provide outlook and daylight.
- 4.2 The proposed detached dwelling would also be located only 6m from the most southern elevation of the existing Highgrove House which includes a living room window and would be located only 14m from the main southern elevation. The proposed Bedroom 1 would therefore result in a loss of privacy for future and existing residents. The proposed development would fail to provide sufficient external amenity space to the detriment of the amenity of future occupiers and finally insufficient detail has been provided to demonstrate that the proposed development would not have a detrimental impact on the ecology of the immediate locality, including the adjacent Highgrove Nature Reserve (Nature Conservation Site of Borough Grade II or Local Importance).
- 4.3 In terms of the Listed Building Consent insufficient information has been provided to show what alterations are proposed to the ancillary railings and structures to consider the harm to the Grade II Listed heritage asset.
- 4.4 The Inspector is therefore respectfully requested to dismiss the appeals. In the event that the Inspector considers the appeal for the full application should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 11. In the event that the Inspector considers the appeal for the listed building consent application should be allowed, and again without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 12.

Appendices

Appendix 1 – Planning Officer’s Committee Report - 10622/APP/2021/1490

Appendix 1 – Planning Officer’s Committee Report - 10622/APP/2021/1491

Appendix 2 – Committee Addendum Sheet 1

Appendix 3 – Committee Addendum Sheet 2

Appendix 4 – 16th November 2021 Committee Outcome

Appendix 5 – Copies of Relevant Planning Policies

Appendix 6 – Revised Location Plan (Rev J)

Appendix 7 – Highgrove House Listing Details

Appendix 8 – Highgrove Site of Importance for Nature Conservation (SINC)

Appendix 9 – Consented use of site as amenity area application (as approved under application references 10622/APP/2006/2490, 10622/APP/2006/2491 and 10622/APP/2010/1822)

Appendix 10 – Location of consented rainwater harvesting tank and perforated soakaway (as approved under application reference 10622/APP/2011/2691)

Appendix 10 – Consultation Responses Received

Appendix 11 – The LPA’s Recommended Conditions - 10622/APP/2021/1490

Appendix 12 – The LPA’s Recommended Conditions - 10622/APP/2021/1491

Appendix 11

Condition 1

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990.

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: FLU.1324.01 Rev. J, FLU.1324.02 Rev B, FLU.1324.03 Rev B; and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

Condition 3

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:
Planning, Design, Heritage and Access Statement
Arboricultural Implications Report SJA air 20561-01

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

Condition 4

Development shall not commence until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

- 1.a Planting plans (at not less than a scale of 1:100),
- 1.b Written specification of planting and cultivation works to be undertaken,
- 1.c Schedule of plants (including pollution absorbing trees) giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

- 2.a Refuse Storage
- 2.b Cycle Storage (2 spaces)
- 2.c Means of enclosure/boundary treatments
- 2.d Car Parking Layouts (including demonstration that 1 parking space is served by an active electrical charging point) and details of proposed crossover to access the parking space.

2.e Hard Surfacing Materials

3. Details of Landscape Maintenance

3.a Landscape Maintenance Schedule for a minimum period of 5 years.

3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

4. Schedule for Implementation

5. Other

5.a Existing and proposed functional services above and below ground

5.b Proposed finishing levels or contours

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities whilst protecting the interests of aircraft safety in compliance with policies DMHB 11, DMHB 14, DMEI 1 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policies G5, G6, T5 and T6 of the London Plan (2021).

Condition 5

Trees, hedges and shrubs shown to be retained on the approved plan(s) shall not be damaged, uprooted, felled, lopped or topped without the prior written consent of the Local Planning Authority. If any retained tree, hedge or shrub is removed or severely damaged during (or after) construction, or is found to be seriously diseased or dying, another tree, hedge or shrub shall be planted at the same place or, if planting in the same place would leave the new tree, hedge or shrub susceptible to disease, then the planting should be in a position to be first agreed in writing with the Local Planning Authority and shall be of a size and species to be agreed in writing by the Local Planning Authority and shall be planted in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier. Where damage is less severe, a schedule of remedial works necessary to ameliorate the effect of damage by tree surgery, feeding or groundwork shall be agreed in writing with the Local Planning Authority. New planting should comply with BS 3936 (1992) 'Nursery Stock, Part 1, Specification for Trees and Shrubs'.

Remedial work should be carried out to BS 3998:2010 'Tree work - Recommendations' and BS 4428 (1989) 'Code of Practice for General Landscape Operations (Excluding Hard Surfaces)'. The agreed work shall be completed in the first planting season following the completion of the development or the occupation of the buildings, whichever is the earlier.

REASON

To ensure that the trees and other vegetation continue to make a valuable contribution to the amenity of the area in accordance with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020) and to comply with Section 197 of the Town and Country Planning Act 1990.

Condition 6

No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by, the Local Planning Authority with respect to:

1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures.
2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority. Such fencing should be a minimum height of 1.5 metres.

Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:

- 2.a There shall be no changes in ground levels;
- 2.b No materials or plant shall be stored;
- 2.c No buildings or temporary buildings shall be erected or stationed.
- 2.d No materials or waste shall be burnt; and.
- 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.

3. Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.

REASON

To ensure that trees and other vegetation can and will be retained on site and not damaged during construction work and to ensure that the development conforms with policy DMHB 14 of the Hillingdon Local Plan Part 2 (2020).

Condition 7

No development shall take place until a scheme to protect and enhance the nature conservation interest of the site has been submitted to and approved by the Local Planning Authority.

REASON

In order to encourage a wide diversity of wildlife on the existing semi-natural habitat of the site in accordance with policy DMEI 7 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

Condition 8

The development hereby permitted shall not be occupied until details setting out the proposed external amenity area for the dwelling has been submitted to and approved in writing by the Local Planning Authority.

REASON

To ensure that the proposed development will provide acceptable levels of external amenity to existing and proposed residents in compliance with policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020).

Condition 9

Detailed drawings or samples of materials as appropriate, in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- (a) Samples of materials including all facing brickwork and render
- (b) Details of roof parapets, rooftiles, windows and doors
- (c) Details of railings, metal cladding, rainwater pipes
- (d) Details of signage

Sample panels required

Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panel (s) so approved.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

Condition 10

Prior to works commencing, details of step free access via the principal private entrance, and all other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

REASON

To ensure that an appropriate standard of housing stock, in accordance with Policy D7 of the London Plan (2021) is achieved and maintained.

Condition 11

The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan (2021), and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan (2021).

Condition 12

Prior to development commencing, the applicant shall submit a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP shall comprise such combination of measures for controlling the effects of demolition, construction and enabling works associated with the development as may be approved by the Local Planning Authority. The CEMP shall address issues including the phasing of the works, hours of work, noise and vibration, air quality, waste management, site remediation, plant and equipment, site transportation and traffic management including routing, signage, permitted hours for construction traffic and construction materials deliveries. It will ensure appropriate communication with, the distribution of information to, the local community and the Local Planning Authority relating to relevant aspects of construction. Appropriate arrangement should be made for monitoring and responding to complaints relating to demolition and construction. All demolition, construction and enabling work at the development shall be carried out in accordance with the approved CEMP unless otherwise agreed in writing by the LPA.

REASON

To safeguard the amenity of surrounding areas in accordance with Policy DMHB 11 and DMT 7 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020) and Policy T7 of the London Plan (2021).

Condition 13

No development approved by this permission shall be commenced until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policy SI15 of the London Plan (2021).

Condition 14

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or

without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved facing east.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

Condition 15

Prior to occupation of the development, a Service and Delivery Plan and a Site Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, servicing, delivery and collection or refuse shall be carried out as agreed within this approved plan.

REASON

To ensure appropriate servicing of the site, to safeguard highway safety, and to safeguard the free flow of traffic, in accordance with Policies DMT 1 and DMT 2 of the Hillingdon Local Plan: Part 2 Development Management Policies (January 2020).

Condition 16

Prior to above ground works, a detailed energy assessment shall be submitted to and approved in writing by the Local Planning Authority. The energy assessment shall demonstrate how the development will achieve a zero carbon target through the application of the London Plan energy hierarchy, Be Clean, Be Lean and Be Green in combination with any offsite contribution. The assessment shall provide full details of the measures to be incorporated into the development and their impact on the baseline development (2013 building regulation compliance) in terms of energy (KwHr) and CO₂ (KgCo₂). The scheme shall demonstrate how the applicant has tried to achieve the full zero carbon onsite and to justify why a lower onsite saving is achieved if applicable.

The assessment shall provide full details of the plans and specifications of any low and zero carbon technology to be used including, for example, roof plans and elevations if PVs are selected. The assessment shall clearly set out any shortfall in emissions below the zero carbon. Thereafter, the development must proceed and be operated in accordance with the approved plans and specifications.

REASON

To ensure that the development incorporates appropriate energy efficiency measures in accordance with Policy DMEI 2 of the Local Plan: Part 2 - Development Management Policies (2020).

Appendix 12

Condition 1

The works hereby permitted shall be begun before the expiration of three years from the date of this consent.

REASON

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 2

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans: FLU.1324.01 Rev. J, FLU.1324.02 Rev B, FLU.1324.03 Rev B; and shall thereafter be retained/maintained for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

Condition 3

The development hereby permitted shall not be occupied until the following has been completed in accordance with the specified supporting plans and/or documents:
Planning, Design, Heritage and Access Statement
Arboricultural Implications Report SJA air 20561-01

REASON

To ensure the development complies with the provisions Hillingdon Local Plan Parts 1 (November 2012) and 2 (January 2020) and the London Plan (2021).

Condition 4

Prior to commencement of development, details of the proposed alterations to the ancillary railings and structures shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To enable the Council to consider the harm to the Grade II Listed heritage asset and to safeguard the special architectural and/or historic interest of the listed building, in accordance to Policy HE1 of Hillingdon's Local Plan: Part 1 - Strategic Policies (November 2012), Policies DMHB 1 and DMHB 2 of the Hillingdon's Local Plan: Part 2 - Development Management Policies (January 2020) and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Condition 5

Detailed drawings or samples of materials as appropriate, in respect of the following shall be submitted to and approved in writing by the local planning authority before the relevant part of the works is begun, and the works shall not be carried out other than in accordance with the details so approved and shall thereafter be so maintained:

- (a) Samples of materials including all facing brickwork and render
- (b) Details of roof parapets, rooftiles, windows and doors
- (c) Details of railings, metal cladding, rainwater pipes
- (d) Details of signage

Sample panels required

Sample panels of facing brickwork showing the proposed colour, texture, facebond and pointing shall be provided on site, and approved in writing by the local planning authority before the relevant parts of the approved works are commenced, and the sample panels shall be retained on site until the work is completed in accordance with the panel (s) so approved.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).