

Appeal under Section 78
of the Town and Country Planning Act 1990
against
the non-determination of a planning application
by
the London Borough of Hillingdon
for
the erection of a detached three-bedroom house
at
Highgrove House
Lidgould Grove
Ruislip

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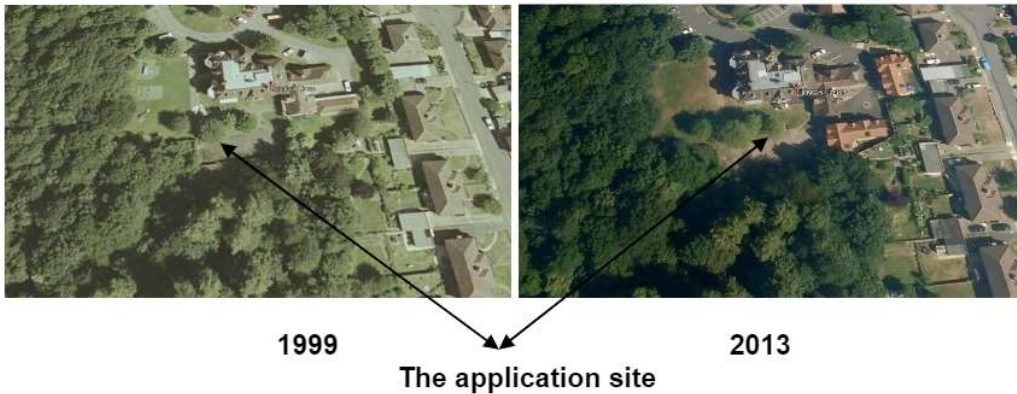
1.0 INTRODUCTION

- 1.1 This appeal relates to a proposal for the erection of a three-bedroom house on land adjacent to a contemporary dwelling in the grounds of Highgrove House as an extension to the existing modern mews. It would be a detached house. The application was confirmed as valid on 3rd August 2021, as confirmed by the statutory acknowledgement, which is copied in Appendix A. The acknowledgement notes the statutory period and that an appeal could thus be submitted by 2nd March 2022.
- 1.2 The application for planning permission comprised:
- Plans by Fluent
 - Planning, Design, Heritage and Access statement
 - Arboricultural Implications Report by SJA
 - A badger survey by Ecology Solutions
 - An energy & sustainability statement by Doherty Energy
- 1.3 It is intended that this statement will:
- 1) Detail the site and its surroundings, noting it was previously part of a larger site which included land to the north of the access road which has now been redeveloped as Yew Tree Lodge. It will also note that there is a contemporary Mews to the rear and east of the original building. It will show the Local Planning Authority promoted that Mews during their ownership of the building.
 - 2) Consider the relevant national policy and guidelines in so far as they are applicable to this proposal.
 - 3) Cite the relevant adopted Local Plan and test the proposal against this noting that there are no conflicts with its criteria.
 - 4) Evaluate material considerations beyond the issues raised under the policy framework.
 - 5) Conclude that the proposal is not against the public interest, respects the character of the locality and is in accord with the development plan. It should therefore have the benefit of the permissive sentiments of the planning system.
- 1.4 In so far as the Local Planning Authority have not reached a decision the appeal is submitted on grounds of non-determination. The Inspector will be invited to grant planning permission with conditions as seen to be appropriate.

2.0 THE SITE AND SURROUNDINGS

- 2.1 The site is located to the south east of Eastcote Road and west of Kent Gardens and is part of the Highgrove House development, Eastcote Road, Ruislip. The wider site is approximately 0.6ha in size and is located at the end of Lidgould Grove, off Eastcote Road. The boundaries to the west and south adjoin deciduous woodland. The north and east boundaries adjoin residential properties and gardens of Lidgould Grove and Kent Gardens.

- 2.2 The site was previously part of a larger site which included land to the north of the access road which has now been redeveloped as Yew Tree Lodge, a sheltered housing scheme. Highgrove House is a two storey Grade II Listed Building. The building had been vacant for a number of years and in disrepair following its use by Hillingdon Council as bedsit accommodation. This use significantly changed the character of the building by distorting the internal layout. Beyond the internal alterations the original setting of the house is altered by the Local Authority Care Facility to the north, being a large contemporary building, and the mews houses to the east.
- 2.3 The site slopes gently from east to west. It contains a number of trees which are denser on the south and west boundaries, where the site abuts the wooded area of the Highgrove Site of Importance for Nature Conservation (SINC). The proposals are to add a further unit to the existing new build element at the rear of the site located adjacent to Highgrove Woods (a designated Site of Importance for Nature Conservation).
- 2.4 The application site is largely hard surfaced, a longstanding feature, as shown in the aerial photographs below. The site and the relatively new mews houses are also shown below and overleaf:





17 Lidgould Grove



The application site



The adjacent care facility in the grounds of the house

- 2.5 The site is in a highly sustainable location with access to public transport easily available via rail, the London Underground and numerous bus routes.
- 2.6 The site of the present house was originally owned and lived in by the Hale family in the 13th century. Reverend John Lidgould of Harmondsworth bought part of the land owned by Martha Hale and Elizabeth Kelly in 1747 and had the first house built. In 1843, the house was bought by Lieutenant General Joseph Fuller. Days before his death in October 1841, his daughter Juliana married Sir Hugh Hume-Campbell. Ownership passed to Fuller's daughter, the new Lady Hume-Campbell, although in 1879 the house was destroyed by fire, after which the ruins of the house were cleared and Sir Hugh contracted Edward Schroeder Prior to design the new house which was completed in 1881. Highgrove was built of red brick, with two storeys and an attic. The window arches were also made of brick.
- 2.7 In 1935, Eleanor Warrender sold 10.5 acres (4.2 ha) of the grounds of the house to the council to establish a new playground and park, now named Warrender Park, and 13 acres (5.3 ha) to Ideal Homes for a residential development. Highgrove was bought by the Ruislip-Northwood Urban District Council in 1949 following Eleanor Warrender's death. The Council gave it to Middlesex County Council and the house became a home for the elderly. In 1965, ownership passed to the London Borough of Hillingdon and Highgrove became a residential hostel for homeless families.

- 2.8 The house closed as a hostel in 2007. Permission was granted for the restoration of the house and its conversion into 12 flats. Additionally, a new building as a sheltered housing block was built in the grounds.
- 2.9 The townscape is, in keeping with the general age and quality of the building, modern in character. It would be one of the lower buildings of the locality as demonstrated in the street scene. The heritage significance is thus confined to its general scale. The building and other unlisted buildings nearby, and their relationship to one another, collectively illustrate the development of this locality. They tell the story of change in this part of London in the 19th and 20th centuries along with the intensity of post-war change.
- 2.10 In terms of English Heritage's 'Conservation Principles', the listed buildings and conservation area provide us with '*evidence about past human activity*' and, by means of their fabric, design and appearance, communicate information about its past. Subsequent alteration, demolition and redevelopment has not entirely removed the ability of the older townscape and intact historic buildings to do this; the site and its listed building clearly retains sufficient historic.

3.0 NATIONAL PLANNING POLICY

- 3.1 The National Planning Policy Framework was revised on 20 July 2021 it and sets out the government's planning policies for England and how these are expected to be applied. This revised Framework replaces the previous National Planning Policy Framework published in March 2012, revised in July 2018 and updated in February 2019. One of the key drivers for the revision was the need to deliver a sufficient supply of homes.
- 3.2 For decision taking, there is a presumption in the Framework in favour of sustainable development and "*Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*" (paragraph 38).
- 3.3 Turning to the specific subject areas, the NPP Framework states:
- To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. (paragraph 60).*
- 3.4 A relatively new provision of the NPPF is an emphasis on small sites (paragraph 69), and the guidance notes:
- 69. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:*

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

b) use tools such as area-wide design assessments and Local Development Orders to help bring small and medium sized sites forward;

c) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and

d) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

3.5 The proposal is an example of a small site and provides an opportunity to create a good home that is responsive to local needs.

3.6 The proposal provides a family unit which has a good garden that makes effective use of land.

3.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development. Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. The design presents a well-conceived scheme meeting all current standards.

3.8 The approach to design is now further expressed in the National Design Guide; *Planning practice guidance for beautiful, enduring, and successful places October 2019*. It notes ten characteristics of good developments, the most relevant of which are context, identity and built form. The proposal is based on an analysis of context where such sites have developed, particularly in the post-war era, and shows an understanding of the context. The proposal is proportionate to the nature, size and sensitivity of the site and proposal. In terms of identity, the guide suggests responding to existing local character and identity, and notes in paragraph 58:

Where the scale or density of new development is very different to the existing place, it may be more appropriate to create a new identity rather than to scale up the character of an existing place in its context. New character may also arise from a response to how today's lifestyles could evolve in the future, or to the proposed method of development and construction....

3.9 The guide notes the importance of compact development (page 19) and states:

64 Well-designed new development makes efficient use of land with an amount and mix of development and open space that optimises density. It

also relates well to and enhances the existing character and context.

- 3.10 Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. This is done by this statement which concludes that aside the frontage the heritage implications are limited. In not affecting the frontage the proposal passes the test of paragraph 190 that there is little impact on the heritage asset.
- 3.11 This analysis will conclude that the proposal sustains and enhances the significance of the heritage assets and puts it to viable use consistent with their conservation (paragraph 197). There is no harm to, or loss of, the significance of a designated heritage asset.

4.0 THE DEVELOPMENT PLAN

- 4.1 The Development Plan comprises the new London Plan (adopted early 2021) and the 2018 Local Plan. The London plan post-dates the submission of the application.
- 4.2 The main London Plan Policies relevant in the assessment of this application are:
- D3 Optimising site capacity through the design-led approach
 - D4 Delivering good design
 - D5 Inclusive design
 - D6 Housing quality and standards
 - D7 Accessible housing
 - H1 Increasing housing supply
 - H2 Small sites
 - H10 Housing size mix
 - S4 Play and informal recreation
 - G5 Urban Greening
 - G6 Biodiversity and access to nature
 - G7 Trees and woodlands
 - SI1 Improving air quality
 - SI2 Minimising greenhouse gas emissions
 - SI3 Energy infrastructure
 - SI12 Flood risk management
 - SI13 Sustainable drainage
 - T4 Assessing and mitigating transport impacts
 - T5 cycling
 - T6 car parking
 - T6.1 Residential parking
 - T7 Deliveries, servicing and construction.

The site's existing use is residential and as such the proposed redevelopment of the site for residential purposes is acceptable. London Plan policy D3 encourages incremental development to achieve a change in densities in the most appropriate way and policy H3 seeks to significantly increase the contribution of small sites to meeting London's housing needs. Given the above, the principle of intensifying the residential use of the existing site to provide a greater quantum of homes than currently existing is acceptable.

- 4.3 Policies directly relevant in the determination of this application are firstly from the Local Plan being:

Policy H1: Housing Growth which sets a minimum strategic dwelling requirement (to be exceeded) of an additional 4,250 dwellings, annualised as 425 dwellings per year, for the ten year period between 2011 and 2021.

Rolled forward to 2026, this target equates to a minimum provision of 6,375 dwellings over the period of the Hillingdon Local Plan: Part 1- Strategic Policies.

- 4.4 Policy HE1: Heritage which notes the Council will conserve and enhance Hillingdon's distinct and varied environment, its settings and the wider historic landscape.

- 4.5 Policy DMH 2: Housing Mix requires a mix of housing types. Given the proposal is a single unit it has sought to reflect the character of the remainder of the Mews which is family housing.

- 4.6 Policy DMH 6: Garden and Backland Development creates a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria: amenity, proper access, appropriate mass and landscape protection. Given the site has been hard surfaced for many years these tests are met. This policy is used in conjunction with DMHB 14 (trees), 16 (standards), 17 (density) and 18 (amenity spaces).

- 4.7 The Development Management Plan states that all forms of development are required to be of high quality, incorporate inclusive design principles and make a positive contribution to the local character and distinctiveness of an area, based upon an understanding and evaluation of its defining characteristics. The proposal is an evolution of the adjacent dwellings which respects and responds positively to existing buildings, the streetscape and the wider context, including local architectural language and character, surrounding heritage assets, and locally distinctive patterns of development and landscape. The urban form of the area surrounding the development's site has been carefully assessed. Building lines, frontages, plot size, building height, are appropriate key elements.

- 4.8 DMHB 2 addresses Listed Buildings which is underpinned by the statutory requirements in Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1990 Act) where, in determining development proposals, special regard should be had to the desirability of preserving a building or its setting or any features of special architectural or historic interest.

- 4.9 The closest trees have been evaluated and allow SJA to conclude:

7.2.1 A small section of the south-west corner of the proposed dwelling is within the shadow pattern of the common lime no.21 and woodland (W1)

- 7.2.2 *The tall shade casting trees are located no closer than 17.7m south-east of the property and considering the orientation of the building to the positions of the relevant trees on the spring and autumn equinoxes indicates that whilst some shading and reduction of light to the windows may be experienced during afternoon to evening, at the summer solstice when the sun is at its highest in the sky, the extent of shading will be reduced significantly. Moreover, the trees to the south and south-east are predominantly deciduous specimens, and therefore will not cause significant shading during the winter months when out of leaf.*
- 7.2.3 *A review of the Fluent floor plans (ref FLU. 1324.02 Rev B) highlights that the proposed fenestration design for the kitchen in the south-west section of the building does not include any windows facing east, south-east or south, as such, the shading cast by the trees and woodland will not have a significant impact on the internal light levels.*
- 7.2.4 *For these reasons, the proposed dwelling is unlikely to be shaded to the extent that this will interfere with incoming occupiers' reasonable use or enjoyment of their property, which will avoid significant future pressure to permit felling or severe pruning that the LPA could not reasonably resist.*

4.10 The companion sustainability report concludes:

- a) *The London Borough of Hillingdon requires all minor residential developments to aim for zero carbon homes, but it achieve at least a 35% reduction in regulated carbon dioxide emissions on site over the 2013 Building Regulations.*
- b) *The Application is for the redevelopment of the site to create a three bedroom dwelling at Highgrove House, Eastcote Road, Ruislip, HA4 8BP.*
- c) *It is proposed that in order to meet the requirements of policy this development will adopt a high standard of design with regard to energy efficiency principles. It has been estimated that the proposed development will achieve a reduction of at least 3.12% in the carbon dioxide emissions through fabric and services efficiencies, with a further reduction of 101.2% by the use of solar photovoltaic systems resulting in a total reduction over 2013 Building Regulations of 101.2%.*
- d) *At planning stage it is not possible to produce the final reports on the energy demand, carbon dioxide emissions, based on the initial construction information. It is envisaged that during detailed design, the reduction in carbon dioxide emissions can be improved.*
- e) *This report has assessed the risk of overheating and the development has been identified as having a slight risk, which can be reduced by incorporating low G value glazing, internal shading by light coloured curtains or cross ventilation by opening the windows fifty percent of the time.*
- f) *The water usage has been assessed and although the actual water fittings have not been selected yet, the calculations show*

that it is possible for this development to achieve the requirements of the planning policy, thus minimising the impact of the development on the local water resources.

g) This Energy and Sustainability Statement demonstrates that the proposed development complies with the requirements of planning policy with regard to carbon dioxide reduction, incorporation of low and zero carbon technologies and water consumption. It is for these reasons it is considered that this application should be viewed favorably by the London Borough of Hillingdon.

4.11 The ecology report having particular regards to badgers concludes:

28. In conclusion, it is considered that taking account the recommendations set out above, there will be no adverse impacts on Badgers as a result of the development proposals. As such, there is not deemed to be any overriding ecological constraints for development purposes.

4.12 By being a traditional development there is no impact upon amenity of the adjacent dwellings. Thus, to conclude, the tests of the Local Plan are passed, in that:

- by using an existing access point there is minimal visual impact to the streetscene.
- the extent of visual separation from existing dwellings exceeds the norm of the locality.
- by reason of both remoteness and landscaping there is no impact of overlooking, noise, outlook and loss of amenity.
- the retained (and enhanced landscape) ensures no impact of noise and visual disruption.
- the scheme retains existing mature trees, landscaping and boundary treatment.

5.0 CONCLUSIONS

5.1 The case outlined in this statement is that:

- the development will be in character as witnessed by the empirical analysis of plot sizes, architectural style and site coverage
- no landscape features are lost
- the access is reused
- The scheme replicates the Mews which was promoted by the LPA.

5.2 Notwithstanding the above, no harm has been proven.

5.3 It has shown that the appeal site constitutes a development plot for a proposal which is consistent with current policy, both in principle and detailed design.

- 5.4 It has also been shown that a development can be achieved in terms of site planning and detailed design which meets the standards of the plan. The proposal therefore adheres to the character and quality of the locality.
- 5.5 Given the overall compliance with Policy the Inspector is respectfully asked to grant permission for the development with conditions as appropriate

APPENDIX A: Statutory Acknowledgement



Mr B Madge
Brian Madge Ltd.
20 Westmead Road
Sutton
SM1 4JT

Your Ref:
Our Ref: 10622/APP/2021/1490

3 August 2021

Dear Sir/Madam

**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
(GENERAL DEVELOPMENT PROCEDURE) (AMENDMENT) ORDER 2016**

Location: HIGHGROVE HOUSE LIDGOULD GROVE RUISLIP
Development: Erection of a detached three-bedroom house

Thank you for your application which was accepted on 8th July 2021 together with the fee of £462.00 which is hereby acknowledged.

A copy of the documentation comprising of the application can be found on the Council's website www.hillingdon.gov.uk, to view the documentation click on the Quick Link to Planning and follow the instructions on screen.

If by **2nd September 2021** you have not been told that your application is invalid; or you have not been told that your fee cheque has been dishonoured; or you have not agreed in writing to extend the period in which the decision may be given, then you can appeal to the Department of Communities and Local Government (DCLG) www.communities.gov.uk, under Section 78 of the Town and Country Planning Act 1990. You must appeal within six months and you must use a form which you can get from The Planning Inspectorate at 3/02 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. This does not apply if your application has already been referred to the Secretary of State.

Your co-operation is sought to assist the public participation process by removing any site notices posted in the vicinity of the site as soon as the closing date has passed. This will avoid confusion to members of

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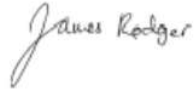
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the public and help keep the borough tidy.

If you have any queries please do not hesitate to contact Richard Phillips via 01895 250230.

Yours Faithfully,

A handwritten signature in black ink that reads "James Rodger". The signature is written in a cursive style with a large, stylized 'J' and 'R'.

James Rodger
Head of Planning, Transportation and Regeneration