
Appeal Decision

Site visit made on 29 October 2013

by G Powys Jones MSc FRTPI

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

Decision date: 3 December 2013

Appeal Ref: APP/R5510/A/13/2201434

36 Linksway, Northwood, Middlesex, HA6 2XB

- 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 Octagon Developments Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 44603/APP/2013/960, dated 15 April 2013, was refused by notice dated 12 June 2013.
 - The development proposed is the erection of a detached two storey house with additional accommodation within the roof space served by dormer windows with an attached garage for two cars, following the demolition of the existing house and garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached two storey house with additional accommodation within the roof space served by dormer windows with an attached garage for two cars, following the demolition of the existing house and garage at 36 Linksway, Northwood, Middlesex, HA6 2XB in accordance with the terms of the application Ref 44603/APP/2013/960, dated 15 April 2013, subject to the conditions set out in the attached Schedule.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance its surroundings.

Reasons

3. I fully understand the reasons why the street should be designated as part of an Area of Special Local Character (ASLC). Linksway is a lengthy, straight, tree-lined avenue fronted by large detached dwellings set in generous grounds. This is a residential area of high quality, and a general sense of verdant spaciousness is exuded. Nevertheless, there is ample evidence of recent development and redevelopment in Linksway and adjoining streets, and a wide variety of architectural styles is on display.
4. The Council dislikes the design of the proposed replacement dwelling principally on account of its bulk, scale and appearance. It considers that the existing dwelling is of a modest scale which complements its neighbours, whilst the replacement dwelling, with approximately double the floorspace of that replaced, would be built too close to the site's boundaries.

5. Nothing in the existing dwelling's features or appearance distinguishes it as being of particular architectural merit, and its demolition would not, in my view, be objectionable. The Council's description of the replacement dwelling as having been designed in a grand classical idiom, symmetrical with a two storey pillared portico feature, tall sash windows and with a huge crown roof is not inaccurate.
6. Whilst the detailed design of the replacement dwelling may not be to the Council's liking, I consider that it has given insufficient weight to the design and appearance of other redeveloped houses along Linksway, several of which display similar classical features. Far from standing out as an example of poor design, the dwelling's appearance would complement the general standard of new design on display in Linksway. The use of hips on the side elevations, together with a reduced roof level to the south, acceptably succeed in mitigating the effects of otherwise excessive bulk at the side boundaries.
7. Moreover, the luxuriant nature of the trees and vegetation growing along the street's frontage is such that the replacement dwelling, which would be well set back from the highway on a common building line, would not be particularly noticeable from oblique viewpoints from the north or south.
8. An oak in the dwelling's rear garden would need to be felled should the development proceed. The loss of any tree is to be regretted, particularly one protected by order. However, whilst the Council considers that the tree has a high amenity value, in my view, it has a limited effect on the public realm. Whilst parts of its crown may be seen above the roofs of properties from the south, it is barely discernible from viewpoints from the north along Linksway. The oak is most appreciated from a very limited number of private rear gardens.
9. Given the extent of tree cover in the locality both to the front and rear of Linksway's dwellings, the loss of the oak would not be widely felt, and could not be said to damage the locality's character. Moreover, in mitigation, three replacement trees are proposed to the front of the proposed replacement dwelling. These, in time, would become more widely appreciated in terms of their contribution to general amenity than the lost tree.
10. I conclude that the proposal would sit acceptably in its visual context without harming the character and appearance of its surroundings. Accordingly, the development accords with those provisions of policies BE5, BE13 & BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies, which in combination provide that the layout and appearance of new development should harmonise with the existing street scene and complement the character of the area, especially in locations designated as ASLC.

Conditions

11. The appellant's comments on several of the Council's suggested conditions have been noted. The Council's proposed condition 3 is unnecessary for the reasons put forward by the appellant. Although a landscaping plan has been submitted, a condition is imposed to ensure its implementation and any replacement planting which may become necessary over the passage of time.
12. Details are required of the proposed means of enclosure, in the interests of visual amenity. I also consider a condition is necessary, for the same reason,

so that the measures described to protect trees during the construction period in the submitted arboricultural report are put in place.

13. A local resident has expressed concern as to the hours and days of operation during construction. I consider this to be a realistic concern, and a condition requiring the details of the times of construction is imposed to protect the living conditions of neighbouring residents. The same resident has expressed concerns as to privacy, which has some merit, and a condition is therefore imposed designed to protect neighbouring privacy.
14. Otherwise than as set out in this decision and conditions, it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.

Other matters

15. I have noted the discrepancy between the ownership certificates used for the original application and appeal respectively. Having regard to the appellant's explanation, I am satisfied that no person's interests have been prejudiced on account of the discrepancy.
16. All other matters raised in the representations have been taken into account, including, as already mentioned, the concerns expressed by a local resident that the development would affect his privacy. I note that the Council's officers dealt with this aspect at some length in their report on the application, and whilst I generally share the conclusions reached, I have required the proposed side facing windows to be obscurely glazed, since existing conditions on the boundaries could change over time. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys 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 (including demolition and/or site operations) shall not begin until details of the following matters have been submitted to and approved in writing by the Local Planning Authority: (a) the proposed means of enclosure of the site, and (b) the days and times when construction or any other site activity is and is not permitted. Development shall be carried out in accordance with the approved details, and the approved means of enclosure shall be in place prior to the occupation of the dwelling, hereby permitted.

3. All new planting in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following occupation of the buildings or completion of the development, whichever is the sooner; any trees or plants which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
4. All side facing windows shall be obscurely glazed and be either fixed pane or partly openable in accordance with details previously submitted to and approved in writing by the local planning authority. Once inserted the approved windows shall not be replaced or removed.
5. The recommendations and proposals of the Arboricultural Impact Assessment and Arboricultural Method Statement produced by Patrick Stileman (24 April 2013) in respect of the protection of trees shall be adhered to at all times during the demolition and construction period.
6. The development hereby permitted shall be carried out in accordance with the following approved plans: the site location plan and Drawing Nos 635/01 Rev A; 635/02 Rev B; 635/03 & landscape plan P723/100 Rev A.