



Appeal Decision

Site visit made on 12 February 2013

by Jennifer Tempest BA(Hons) MA PGDip PGCert CertHE MRTPI IHBC

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

Decision date: 8 April 2013

Appeal Ref: APP/R5510/A/12/2183821

20 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 Mr and Mrs P Patel against the decision of London Borough of Hillingdon Council.
 - The application Ref 2203/APP/2012/585, dated 10 March 2012, was refused by notice dated 22 May 2012.
 - The development proposed is the erection of detached 6 bedroom house, including an integral double garage, basement and associated hard and soft landscaping (involving demolition of an existing detached house).
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - (1) the effect of the proposal on the character and appearance of the area;
 - (2) whether the proposal makes adequate provision for education; and
 - (3) the impact of the proposal on nature conservation interests .

Reasons

Character and appearance of the area.

3. The site lies within the Copsewood area of special local character. Whilst the extent of this area is defined on a map, I am not aware of any statement which assesses in detail the local character.
4. Policy BE5 of the London Borough of Hillingdon Unitary Development Plan 2007 (UDP) requires new development to harmonise with the materials, design features, architectural style and building heights predominant in the area. Policy BE6 of the UDP relates specifically to the Copsewood Estate and states that new houses should be on building plots of a similar average width as surrounding development, be on a similar building line (formed by the front walls of existing houses) and be of similar scale, form and proportion as adjacent houses. New houses should also reflect the materials, design features and architectural style predominant in the area and sufficient architectural variety must be achieved within new development in order to retain the areas' characteristics of large individually designed houses.

5. From my inspection of the site, and more particularly of the surrounding area, I was struck by the variety of house designs within the Copsewood Estate which, as Policy BE6 states, is characterised by large, individually designed houses. It is clear that a number of properties have been built relatively recently and these now form part of the character of the area. Whilst many of these more recent buildings make reference to earlier styles, I noted there are also one or two examples of more contemporary design. I consider that, in principle, the proposal would fit with the requirement of providing a large, individually designed house. The width of the site, which would be unchanged, is of similar width to neighbouring properties.
6. The requirement to be on a similar building line is also fulfilled by the proposals. Part of the dwelling would have a front wall slightly forward of the front wall of 22 Linksway but slightly behind that of the extended 18 Linksway. These differences are not substantial enough for me to conclude that the building line would not be similar and I consider that the relatively modest variations would not appear discordant.
7. The overall size of the plot is more than adequate to accommodate the large dwelling proposed. The width of the proposed house is similar to some other properties in the area as is the proportion of the plot width which the dwelling would cover. I consider that the manner in which the proposal would extend into the current rear garden has been sensitively handled and is not disproportionate in scale or extent to either the site or the surrounding development. Accordingly, I do not consider that the development would be cramped or result in overdevelopment of the site.
8. I noted that the majority of the houses in the Copsewood Estate have hipped roofs. The proposal would have straight gables which are an integral element of the overall design. Although this results in a relatively long unbroken ridge line to the main roof, articulation in the front elevation is created by the two storey entrance projection, the glazed stair tower and the set back at the northern end of the dwelling. This would not be the only house in the estate to have a gabled roof form and overall I consider the roof design would be satisfactory. There are a variety of materials utilised in the Copsewood Estate and the proposed materials would reflect some of these.
9. The proposed arrangement of the two entrance gates each with a different set-back distance from the road, would introduce a potentially discordant feature. However, I do not consider that this element alone is sufficient to warrant rejection of the scheme design as whole.
10. Overall, I do not consider that the development would detract from the character and appearance of the surrounding area nor from the visual amenities of the street scene. Accordingly, the proposal would comply with UDP Policy BE5 and with Policy BE13 which requires new development to harmonise with the existing street scene. It would also comply with Policy BE19 which requires new development to improve or complement the character of the area. I also conclude that the proposal will achieve the necessary balance between these factors and the individual, architectural variety required by Policy BE6. The National Planning Policy Framework requires good design but warns against stifling innovation and originality. However, the Framework also supports local distinctiveness. I consider the proposal fits with these policies.

Education

11. The appellants have submitted a Unilateral Undertaking to provide a financial contribution towards education facilities. However, it is the appellant's contention that such a contribution is not required and I must therefore consider the weight to be attached to the submitted legal agreement. The Council's Planning Obligations Supplementary Planning Document (SPD) includes a revised Chapter 4 'Education Facilities' adopted in September 2010. This sets as a threshold for seeking contributions developments which result in a total net increase of six rooms or more. The SPD defines rooms as living rooms, kitchens, bedrooms, study rooms and utility rooms but excludes bathrooms, toilets, halls, landings or rooms that can only be used for storage.
12. The appellant and Council agree the existing house has nine rooms. The Council calculate the new dwelling would have 15 rooms, a net increase of six rooms which triggers the requirement for a contribution. The appellant considers that the combined kitchen/living/dining area should not be treated as three rooms, but two at the most. The SPD is clear that a kitchen is a habitable room for assessment purposes. It also states that rooms in excess of 20 square metres may be treated as two rooms. I cannot find a reference to treating larger rooms as more than two rooms. Hence, for different reasons from the appellant, I consider the combined kitchen/living/dining area should be treated as two rooms rather than three.
13. The Council have assessed the indoor swimming pool as a room. Perhaps not surprisingly, an indoor swimming pool is not included in the SPD's list of which rooms are included or excluded from the calculations. As the basement pool is designed for one very specific purpose, I consider it is reasonable to exclude it from rooms contributing to the SPD calculation. The appellant points out that there is an additional bedroom on the second floor which the Council has not included. Taking all of these points into consideration, I consider that in terms of the SPD there are 14 rather than 15 rooms in the proposed dwelling and the net increase in rooms would be five. It does not therefore reach the threshold where a contribution towards education would be sought and I have accorded the legal obligation little weight in my decision.
14. As I have concluded that a contribution to education facilities would not be appropriate, I find that there is no conflict with UDP Policy R17 in this regard.

Nature Conservation

15. The application proposal is accompanied by an Extended Phase 1 Habitat Survey report dated 6 March 2012. One of the recommendations of the report is that bat emergence surveys be carried out at an appropriate time of year to determine the presence or absence of bat roosts. The proposal entails demolition of the existing house and the report indicates that this building may provide a suitable habitat for certain species of bats. Bats are statutorily protected under the Conservation of Habitats and Species Regulations 2010. No information has been submitted to confirm that a bat emergence survey has been carried out. Consequently, I do not have adequate information to assess the impact of the proposal on protected species and, as set out in Circular 6/2005 relating to biodiversity, this is not a matter which should be addressed by condition. On these grounds, notwithstanding this not being included in the Council's reasons for refusal, I find that the appeal cannot succeed.

Other Matters

16. Although the Council refers in section 7.1 of its report to the development being in conflict with UDP policies BE20 and BE21, the report also states that the proposal would not have adverse impacts on neighbouring properties. This is not a reason for refusal and I agree there would be no unacceptable impacts on the living conditions of occupiers of properties on either side.

Conclusion

17. I have found the proposal to be acceptable with regard to its effect on the character and appearance of the area and that it is not required to make provision for education facilities. However, the failure to address adequately the question of protected species requires me to conclude that the proposal is not acceptable in respect of its potential impact on nature conservation and therefore the appeal should be dismissed.

Jennifer Tempest

INSPECTOR