



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr Vhora

Proposal:
Erection of a new single dwelling house with associated landscaping

Appeal Site:
4 Rofant Road, Northwood, HA6 3BE

Our Ref:
Your Ref:

6923/APP/2022/1490
APP/R5510/W/22/3308996

1. Introduction

- 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 refusal to grant planning permission for the erection of a new single dwelling house with associated landscaping
- 1.2 The LPA refused planning permission on 20.09.2022 for the following reasons (as stated on the decision notice):
 1. The proposed dwelling by reason of its size, scale, bulk, height, depth, width, materials, siting and design, in this prominent position, would fail to harmonise with the local context, established street pattern and building lines and would result in the closing of an important gap characteristic to the area. The proposed dwelling would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area. The proposed development is unacceptable in principle and conflicts with Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).
 2. The proposed development would result in the loss of two healthy Council owned trees on adopted highway within a tree preservation area that contribute positively to the local landscape character of the area. In addition inadequate provision is made to safeguard the existing trees within the site and adjacent tree preservation area that would be affected. The development proposal therefore conflicts with Policies DMHB 11 and DMHB 14 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policies G1 and G7 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 Within their statement of case, the appellant has raised the following summarised points in response to the reasons for refusal, excerpts below:

Reason for refusal 1:

- The proportions of the roof would appear subservient to the host dwelling and would not result in a top heavy appearance.
- The proposed dwelling subject of this appeal would be read in context of not just with the existing dwelling on site but with the adjacent dwellings.
- The vernacular of the proposed dwelling would be in keeping with properties in the immediate locality, in particular the dwelling on the adjacent corner to the east of the appeal site at No. 2B Rofant Road, which is characterised by two large gable projections to its front elevation.
- The proposed dwelling would have a two storeys depth of 11.4 metres and a two storey width of 7 metres at the central point...the dimensions of neighbouring properties [Nos, 2, 7A, 20] far exceeds the width and depth of the dwelling subject of this appeal, therefore the proposed dwelling would be in keeping with the scale, bulk, mass and proportions of neighbouring properties.
- The set in of the proposed dwelling from the side boundaries by 1 metre would replicate the spatial relationship of the vast majority of the dwellings along Rofant Road.
- The LPA have failed to take into consideration the spatial relationship of the dwelling on the adjacent corner to the east of the appeal site, at No. 2B Rofant Road. The proposed dwelling would therefore replicate this relationship with the adjoining highway.
- Due to the sloped topography of the site, the proposed dwelling would be set below the highway level and therefore, would not appear unduly prominent within the street scene.
- The visual impact of the dwelling would be further softened by the existing trees on the parcel of land adjoining the southern boundary of the site.
- elevation of the existing dwelling at No. 4 Rofant Road.
- The close proximity of dwellings to the highway boundary is also replicated at No. 1 Ashbourne Square. Therefore the proposed dwelling would replicate the form and positioning of neighbouring development.
- The proposed materials would replicate the variety of building finishes utilised in the surrounding locality with many dwellings characterised by rendered frontages, flat roof sections to the rear, timber cladding etc. Nonetheless, the applicant is willing for full details of the external materials to be agreed via a condition to be attached to the permission if the appeal succeeds.

Reason for refusal 2:

- The two trees are within the boundary of TPO 130, are not within the area of protected trees.
- The proposed dwelling would be situated outside the majority of the root protection areas.
- Although there will be a minor incursion into the tree's RPA, the percentage of actual rooting system affected is much less...research has shown that healthy trees of most species can withstand the loss of some roots with no long-term detrimental impact.
- All of the other trees on the adjoining parcel of land to the south of the appeal site would remain unaffected.

- If the appeal succeeds, the appellant is willing to accept a condition on the consent for a construction management plan for full details of the methodology of building works and operations to be submitted prior to commencement.
 - The submitted plans indicate the removal of two trees, they do not have a considerable contribution to the public domain and are of limited publicity amenity value.
 - The appellant is agreeable to entering a legal agreement with the Council to plant new replacement trees with greater aesthetic value along the highway frontage.
- 2.2 The grounds of appeal refers to No.1 Ashbourne Square and No.2B Rofant Road, which are located within 1.5metres of their side boundaries. According to the grounds of appeal, the side gaps of these neighbouring properties are similar to that of the proposed dwelling and therefore replicates form and positioning of neighbouring development. The neighbours referred to are clearly sited along the established building lines and it is noteworthy that no attempt has been made by the appellants to address the uncharacteristic set back position of the new dwelling that clearly does not harmonise with the established street pattern.
- 2.3 The grounds of appeal suggests that the appeal proposal would not be visually prominent in the street scene as it would be screened by existing trees, despite the proposed removal of the trees in front of the proposed dwelling outside the application site, that would open up the site thereby increasing visibility from the street scene.
- 2.4 Whilst the grounds of appeal references the gabled projection at No.2B, there is no attempt made to demonstrate the design merits of the appeal proposal and how it would harmonise with the character of the area. The appeal proposal would feature a higher eaves than the existing dwelling at No.4 and with a white rendered exterior and oversized windows and poorly conceived design features, the appeal proposal would not relate well to the street scene.
- 2.5 Regarding the securing of details of materials by condition, the LPA considers the mix of materials to be incompatible with the area. The grounds of appeal suggests that the materials are typical of the area however the agent negates to provide any notable examples. The grounds of appeal fails to address reason for refusal 1.
- 2.6 The arboricultural report submitted with the application did not address concerns regarding the loss of trees or take into account the constraints of the site and the limited available space for machinery and storage of materials.
- 2.7 The grounds of appeal suggests that a construction method statement could be secured by condition, however a list of pre-emptive measures and associated plan have not been provided to demonstrate that the site would be capable of accommodating the construction phase.
- 2.8 The grounds of appeal suggests that incursion into the root system would be inevitable and dismisses any concerns to the health of trees by referencing unqualified 'research'.
- 2.9 No additional information has been provided in the grounds of appeal regarding the trees that would be affected by the appeal proposal. In the absence of such information, the grounds of appeal fails to address reason for refusal 2.

2.10 Regarding the potential planting to offset the loss of Council owned trees by way of a legal agreement, it is noted that no such agreement has been drafted and therefore can be entered into at this time. More pertinently, the trees are not in the appellants ownership and the Council will not approve of their removal.

3. Conclusion

- 3.1 For the reasons set out in the committee report (already submitted to PINS with the questionnaire and associated documents) and this statement, the appeal proposal would harm the visual amenities of the street scene and the character and appearance of the area and would result in the loss of two healthy Council owned trees on adopted highway within a tree preservation area and inadequate provision is made to safeguard the existing trees within the site and adjacent tree preservation area.
- 3.2 To conclude, the Appeal scheme conflicts with national, regional and local planning policies and guidance.
- 3.3 The Inspector is therefore respectfully requested to dismiss the appeal.
- 3.4 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

Appendices

Appendix 1 – Planning Officer’s Committee Report (already provided)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA’s Recommended Conditions (enclosed)

Appendix 3 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the case officers’ delegated report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any planning permission:

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.

2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, drawing numbers P101, S201/C, S203/C, 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).

3) No development shall take place until details of all materials and external surfaces, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

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

4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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.

REASON

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

5) Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

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

6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to the dwellinghouse hereby approved shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020)

7) 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 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.

8) No development shall take place 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 giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping

2.a Refuse Storage

2.b Cycle Storage

2.c Means of enclosure/boundary treatments

2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)

2.e Hard Surfacing Materials including permeable paving for the parking court

2.f Secure and accessible cycle storage

2.g The height of walling/shrubbery on either side of the new and relocated opening for No.4 should not exceed 0.6m in height to achieve the aim of satisfactory visibility.

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 surfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

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 in compliance with Policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

9) 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)

10) 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 London Plan (2021) G5.

11) Prior to development commencing, the applicant shall submit a demolition and construction management plan to the Local Planning Authority for its approval. The plan shall detail:

- (i) The phasing of development works
- (ii) The hours during which development works will occur
- (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
- (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
- (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
- (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
- (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

REASON

To safeguard the amenity of surrounding areas in accordance with Policies DMHB 11 and DMT 6 of the Hillingdon Local Plan Part 2 (2020)

12) Prior to works commencing, details of step free access via the principal private entrance, and all the 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 the 2021 London Plan policy D7 is achieved and maintained.

13). The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan, 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.

14. Notwithstanding the approved drawings details of the proposed crossovers for both the new proposed dwelling and the relocated crossover for No. 4 Rofant Road should be submitted to the LPA for approval. The dimensions of the crossovers should demonstrate a maximum width of 3.6m at the back of footway and 4.8m at the edge of kerb.

These accesses for the proposed car parking shall be provided with those parts of 2.4m x 2.4m pedestrian visibility splays which can be accommodated within the site in both directions and shall be maintained free of all obstacles to the visibility between heights of 0.6m and 2.0m above the level of the adjoining highway.

The one parking space for the new dwelling shall be provided with an active electric vehicle charging point.

As this would also necessitate the removal and relocation of an established streetlamp column, all associated costs would need to be borne by the applicant/developer.

REASON

In the interests of highway and pedestrian safety in accordance with policy DMT 2 of the Hillingdon Local Plan Part 2 (2020).

15. Prior to the commencement of the development hereby approved, a sustainability and energy statement shall be submitted to and approved in writing by the Local Planning Authority. The sustainability and energy statement shall demonstrate how a 10% reduction in carbon dioxide emissions beyond Building Regulations Part L 2013 (TER Baseline) has been achieved including full technology specifications and locations. Thereafter, the development shall be carried out in accordance with the approved details.

REASON: To ensure the development contributes to minimising the effects of, and can adapt to a changing climate in accordance with Policies DMEI 2 and DMEI 10 of the Hillingdon Local Plan Part 2 (2020).and Policy SI 2 of the London Plan (2021).

16. 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 SI5 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 be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

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 London Plan (2021) Policy SI5.