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Planning appeal against the refusal of planning permission for the erection of a new single dwellinghouse with associated landscaping at 4 Rofant Road, Northwood, London, HA6 3BE



Introduction

This appeal is submitted in regards to the refusal of planning permission for the erection of a new single dwellinghouse with associated landscaping at 4 Rofant Road, Northwood, London, HA6 3BE. The planning application was refused by the London Borough of Hillingdon on 20 September 2022 under planning application reference: 6923/APP/2022/1490. The application was refused for two reasons which are as follows:

- 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).*



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Appeal Site and Locality

The appeal site is located to the western side of Rofant Road, near the junction of Ashbourne Square. The site is occupied by a semi-detached, two storey dwelling with a hipped roof and a large detached garage along the south-eastern boundary of the site. The existing dwelling is characterised with a centrally pitched hipped roof and a two storey projecting hipped roof element to the front elevation. The elevations are clad in brick and pebbledash render. The site slopes downwards at a medium gradient from north-east to south-west. The area is characterised by a variety of dwelling types including detached, semi-detached and terraced development.

The dwelling on the adjacent corner to the east of the appeal site at No. 2B Rofant Road is in the form of a two storey detached dwelling characterised by a centrally pitched hipped roof, mock Tudor type fenestration detailing, brick cladding and has two gable projections to the front elevation. This property is situated on a significantly higher ground level, by approximately 1.45 metres, than the adjoining highway to the west of Ashbourne Square. Furthermore, this dwelling is positioned 1 metre away from the highway boundary at the closest point.

The dwelling on the adjacent corner to the south of the appeal site at No. 1 Ashbourne Square is in the form of a three storeys end of terrace town house characterised by a centrally pitched gable ended roof with facing brick elevations. This property is situated on a level plateau with the adjoining highway to the west at Ashbourne Square and is positioned 1.5 metres away from the highway boundary at the closest point.

The site is located in Flood Zone 1 and according to the Council's GIS records. The site has a Public Transport Accessibility Level (PTAL) of 2 and is adjacent to TPO 130 which protects a number of different species of trees. The rear of the site is adjacent to railway tracks. The site is situated within a built up area of Ruislip and is not within a Conservation Area.

Development Proposal

The development subject of this appeal is for the demolition of the existing detached garage and single storey side extension on the south elevation of the existing dwelling and the erection of a new two-storey detached dwellinghouse with associated landscaping and the installation of a dropped kerb from Ashbourne Square.

The proposed dwelling would be a two storeys building with an inverted 'L' shape footprint and would be located approximately 2 metres to the south of the existing dwelling. The dwelling would be characterised with a centrally pitched gable ended roof with gable projections to the front and rear elevations, contemporary glazing design and rendered facades.

The dwelling would maintain a 1 metre gap to both the northern and southern boundaries and would be situated 1 metre away from the highway boundary at the closest point. The site would also accommodate a hardstanding area to the front to form a single parking space which would be accessed via a new dropped kerb from Ashbourne Square.

The proposed dwelling would have a maximum depth of approximately 12.1 metres, including a 5 metres deep single storey rear element and features a stepped-in first floor rear element and 7 metres in width at the central point. The first floor element of the house would have a depth of 11.4 metres. The proposed dwelling would have a pitched roof with a 8.4 metres ridge height and the gable projections to the front and rear would have a height of 7.5 metres. The eaves height would be 5.9 metres.

Due to the site sloping downwards at a medium gradient from north-east to south-west, the proposed dwelling would be sited on a lower ground level relative to the host dwelling and the adjacent highway of Ashbourne Square.



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Statement of case against the first reason for refusal

The Local Planning Authority have stated that 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 ridge height of the proposed dwelling would be similar to the existing house and although the eaves would be 0.6 metres higher than the eaves height of the existing dwelling, the proportions of the roof would appear subservient to the host dwelling and would not result in a top heavy appearance. The Local Planning Authority have stated that the proposed forward gable element, which would project by 4.4 metres, would appear visually dominant and prominent on this corner plot. The Officers report goes on to state that the visual dominance is exacerbated by two large front gable ends in a street scene characterised by hipped roofs with smaller gable features. However, this observation is not accurate.

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 directly to the east at numbers 2, 2A and 2B Rofant Road. These properties are significant sized detached dwellinghouses characterised by centrally pitched gable ended and hipped roofs and two storey gable projections to their respective front elevations. As such, 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.

As aforementioned, 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 Local Planning Authority have raised objections in regards to the width and depth of the dwelling. However, a brief planning search of recently approved extensions demonstrates that the dimensions of the below neighbouring properties far exceeds the width and depth of the dwelling subject of this appeal:

- 7A Rofant Road - 12.0 metres in depth and 11.1 metres in width.
- 20 Rofant Road - 12.1 metres in depth and 9.2 metres in width.
- 2 Rofant Road - 17 metres depth and 13.2 metres in width.

Therefore the proposed dwelling would be in keeping with the scale, bulk, mass and proportions of neighbouring properties.

The Local Planning Authority have stated that the dwelling would be positioned in close proximity to the site boundary in places and would appear cramped in its plot. The dwelling as proposed would maintain a 1 metre gap to both the northern and southern boundaries and would be situated 1 metre away from the front highway boundary at the closest point. 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 Local Planning Authority 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. This property is in the form of a two storey detached dwelling and is positioned 1 metre away from the highway boundary at the closest point. The proposed dwelling would therefore replicate this relationship with the adjoining highway.

Furthermore, the property at No. 2B Rofant Road is situated on a significantly higher ground level than the adjoining highway by approximately 1.45 metres and therefore, this dwelling appears considerably prominent in the street scene than the dwelling subject of this appeal. The proposed dwelling would replicate the set back distance from the highway boundary and furthermore, 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.



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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 which would provide a natural screen and would obscure the southern flank elevation when the site is approached when travelling northbound along Ashbourne Square. In addition, the proposed dwelling would be set further to the west than the front 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. This property is a three storey town house which is notably higher, more prominent and is situated 1.5 metres away from the highway boundary at the closest point. Therefore the proposed dwelling would replicate the form and positioning of neighbouring development.

Objects were raised with regards to external materials consisting of white render, timber cladding, a tiled roof, fiberglass flat roof for the single storey rear element and double glazed windows and doors. 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.

Statement of case against the second reason for refusal

The Local Planning Authority have stated that 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 Tree Officers comments within the Planning Officers report states that the two trees which are proposed to be removed appear to be situated on adopted highway land. However, although the two trees are within the boundary of TPO 130, are not within the area of protected trees.

The submitted Arboricultural Impact Assessment Method Statement & Tree Protection Plan includes plan number: TH/A3/3299/TPP which identifies all of the trees to the east and south of the appeal site. The proposed dwelling would be situated outside the majority of the root protection areas. The southern corner of the proposed dwelling would have a minor incursion into the root protection area of the tree identified as T6 (Ash). However, the incursion is considered minor and would be 1.5m of 96m², which equates to a 1.5% incursion.

Section 5.3.1 (a) of BS 5837:2012 recommends that, if operations (in this case, excavations for foundations) are proposed within a tree's RPA then, the project arboriculturist should demonstrate that it can remain viable and that the area lost to encroachment can be compensated for elsewhere, contiguous with its RPA. An RPA is an estimation of the minimum root system needed to sustain the condition of a tree (if all roots outside it were to be severed); it is not a measure of a tree's entire rooting system.

It is commonly accepted, within the arboricultural industry, that the RPA represents about a third of a tree's actual rooting system and, consequently, whilst the RPA is particularly important to ensure that there are no adverse effects on stability, if an encroachment does not significantly reduce the overall assimilative function of the root system, it is unlikely to cause harm.

Therefore, although there will be a minor incursion into the tree's RPA (minimum root system to sustain it); the percentage of actual rooting system affected is much less (a third of the figure shown above). Furthermore, it is possible to off-set this incursion within soft areas contiguous with its RPA. In terms of viability, research has shown that healthy trees of most species can withstand the loss of some roots (to a maximum of about 20% of the rooting area) 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 as such, the submitted Arboricultural Impact Assessment Method Statement & Tree Protection Plan clearly demonstrates the protection and long-term retention of the remaining trees.



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With regards to storage of materials, these can be stored along the northern boundary of the site, away from the group of trees to the south and can even be stored in the front and rear gardens of No. 4 Rofant Road as this property is owned and occupied by the appellant. 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. These are identified at T4 (Silver Birch) and T5 (Holly), both category B trees. When travelling southbound along Ashbourne Square, trees T4 and T5 are seen in context of the backdrop of trees on the parcel of land to the south of the appeal site. Due to the modest size of both T4 and T5, they do not have a considerable contribution to the public domain and are of limited publicity amenity value. The trees identified T1, T2 and T3 (all Lawson Cypress) which are also situated along the highway verge, are category C trees and are of little aesthetic value due to their size and haphazard pruning by the Council.

Policy G7 of the London Plan (2021) states that development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees removed. Policy DMHB 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) states that - were trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

In this regard, although the proposal would result in the loss of trees T4 and T5, 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. The appellant is also willing to replace the trees identified T1, T2 and T3 (all Lawson Cypress) which are category C trees that have been haphazardly pruned and are of little aesthetic value. Therefore, the proposed works, overall, has the potential to enhance the ecological value of the site.

Conclusion

The Local Planning Authority have confirmed that the development proposal would not result in any undue impact on neighbouring amenity of the dwellings in Ashbourne Square and Rofant Road, would provide good quality living accommodation for future occupants and would have no adverse impact on highway safety.

For the aforementioned reasons, the Planning Inspectorate are respectfully requested to allow the appeal to succeed.

Encs.
Photographic details overleaf



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The dwelling No. 1 Ashbourne Square is positioned 1.5 metres away from the highway boundary at the closest point.



The dwelling No. 2B Rofant Road is positioned 1 metre away from the highway boundary at the closest point.





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The dwelling on the adjacent corner to the east at No. 2B Rofant Road is situated on a significantly higher ground level, by approximately 1.45 metres, than the adjoining highway to the west and is positioned 1 metre away from the highway boundary at the closest point.



The dwelling on the adjacent corner to the south at No. 1 Ashbourne Square is positioned 1.5 metres away from the highway boundary at the closest point.



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Due to the site sloping downwards at a medium gradient from north-east to south-west, the proposed dwelling would be sited on a lower ground level relative to the host dwelling and the adjacent highway of Ashbourne Square.



The visual impact of the dwelling would be softened by the existing trees adjoining the southern boundary of the site which would provide a natural screen and would obscured the southern flank elevation when the site is approached when travelling northbound along Ashbourne Square.



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When travelling southbound along Ashbourne Square, trees T4 and T5 are seen in context of the backdrop of trees to the south. Due to the modest size of both trees, they are of limited publicity amenity value and have a modest contribution to the public domain.



The appellant is agreeable to replacing the trees identified T1, T2 and T3 (all Lawson Cypress) which are category C trees, that have been haphazardly pruned by the Council and are of little aesthetic value.