
Appeal Decision

Site visit made on 28 June 2023

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 July 2023

Appeal Ref: APP/R5510/W/22/3309309

60 Long Lane, Ickenham, Middlesex UB10 8SZ

- 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 Veeru Parmar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70282/APP/2022/1143, dated 1 April 2022, was refused by notice dated 15 August 2022.
 - The development proposed is the demolition of the existing dwelling and erection of a two storey detached building with habitable roof space to provide 8 x 2-bed flats and 1 studio flat with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Background

2. The appeal site has considerable planning history, I have summarised the most relevant to my determination as follows. Permission was granted for the demolition of the existing dwelling and construction of 7 x 2-bed flats at appeal¹ on 7 May 2019 (the 2019 appeal). The Council subsequently granted permission² for an 8 x 2-bed flat scheme in February 2020 (the 2020 permission). More recently, the appellant sought permission for a 9 x 2-bed flat scheme, which was dismissed at appeal³ in March 2021 (the 2021 appeal). In that case, the Inspector found that the replacement building proposed would fail to preserve or enhance the character and appearance of the Ickenham Village Conservation Area (CA).

Main Issues

3. The main issues are the effect of the proposal on:
 - The character and appearance of the area, having particular regard to whether it would preserve or enhance the character or appearance of the CA and including the impact on trees, and;
 - The living conditions of future occupiers of the proposal, with particular regard to the provision of internal space and outlook.

¹ Appeal reference APP/R5510/W/19/3221731

² Planning reference 70282/APP/2019/2773

³ Appeal reference APP/R5510/W/20/3261227

Reasons

Character and appearance, CA and trees

4. The CA covers a considerable portion of Ickenham. Its significance is largely derived from how the area evolved following the introduction of a rail halt in the early 20th century. This facilitated commuting patterns into London which led to an increase in sub-urban residential development. Hence, the concentration of generous residential plots accommodating detached and semi-detached houses is a distinctive feature of the CA. Although there is some variation in building type and materials, many dwellings reflect an Arts and Crafts architectural influence evoking the first part of the 20th century. The underpinning ordered plot layout and clear building lines result in a spacious and coherent settlement pattern that also allows for notable tree cover. This results in an attractive sub-urban residential character and appearance.
5. I am mindful of the statutory duty⁴ to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
6. 60 Long Lane is a large, detached house set within a generous plot, stated⁵ to be of mid 1930's construction. It is one of several such properties lining this section of Long Lane and its siting within the plot respects the established building line. Its scale is broadly consistent with the mostly two-storey dwellings nearby. Although there have been some unsympathetic additions to the property, a notable degree of redeeming architectural influence was discernible. The main body of the dwelling retains pleasant proportions with a hipped roof, gable features and tall chimney. Furthermore, the trees and vegetation within the grounds add verdancy.
7. Overall, these aspects positively reinforce the intrinsic qualities of the CA. Accordingly, although the contribution of no.60 is limited, I cannot accept that the building has no significance, nor has it a negative effect on the CA as is suggested in the submitted Heritage Statement⁶.
8. The proposal would demolish the existing house and replace it with a new detached building providing 9 flats over three floors (including the roof space). The planning history already outlined is recent and concerned generally analogous development to the appeal proposal. Hence, it is highly material to my decision. Both the 2019 appeal and the 2020 permission have established the acceptability of the demolition of the existing dwelling and its replacement with an apartment block.
9. Those permissions were broadly consistent with each other in terms of the built form proposed. The Inspector in the 2019 appeal⁷ considered the design to reflect the prevailing architectural values and themes of the CA and amongst other things, referred to hipped rooflines, chimneys and projecting gables. She gave weight to the impression given of a large residential property rather than flatted development. These elements contributed towards her finding that the replacement building would make a positive contribution to the CA, which was relevant in the balancing exercise undertaken.

⁴ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

⁵ Paragraph 2.1, Heritage Statement and Impact Assessment dated February 2018, prepared by Townscape.

⁶ Paragraph 2.5

⁷ Paragraph 7

10. Having regard to the elevations provided in the appellant's Statement of Case for the approved 8 flat scheme (the 2020 permission), the use of the hipped roof form, projecting gables, low eaves, small hipped roof dormers and tall chimneys signal an Arts and Crafts influence. Moreover, the roof shape and low eaves reduce the massing of the structure thereby giving the impression of a single dwelling.
11. Although I am not provided with a rear elevation of the approved schemes, it is reasonably clear from the subsequent 2021 appeal⁸ that a similar approach was extended to the rear elevation. The Inspector in that case describes the low eaves line at the rear, 2 x 2 storey hipped rear projections and two centrally positioned first floor dormer windows. I generally concur that these elements would result in a well-articulated rear elevation, and one that would balance the front elevation. Overall, the rear elevation in those schemes was an intrinsic part of the architectural composition.
12. The proposal before me would alter the rear elevation in order to accommodate Flat 9 in the roof space. This would interrupt the hipped roof form by introducing a section of flat roofing and two rooflights. In turn this would lead to a central section of the elevation having a higher eaves line. In addition, it would include a central flat roofed dormer window, the proportions of which would give a horizontal emphasis. These measures would add complexity to the roof form and bulk to the rear upper part of the building and would appear discordant relative to the front elevation. Hence, by comparison to the approved schemes, the appeal proposal would represent a retrograde step in design quality and would more overtly convey an impression of flattened development.
13. Albeit that the crown roof in the appeal scheme is smaller than that proposed in the 2021 appeal scheme, my findings are generally consistent with the approach of the Inspector who considered that the use of a crown roof would be out of keeping.
14. I acknowledge that the rear elevation would not be readily seen from Long Lane, which would limit the degree of harm. Even so, I was able to glimpse the rear elevation of the present dwelling from Milton Road, which would also likely be the case for the proposal. In addition, it would be visible from neighbouring dwellings and gardens. In any event, I am not aware that the statutory duty previously mentioned is confined to development apparent in the public realm.
15. In addition, the amount and quality of tree cover contributes positively to the character and appearance of the CA and the appeal site is covered by a Tree Preservation Order. Tree information⁹ accompanies the application that includes a tree constraints plan showing the site has a notable number of category B and C quality trees. It is based on a survey of the trees undertaken in August 2017¹⁰. However, the report goes on to advise at paragraph 2.1.3 that if there is a change in site conditions it is important to re-survey the trees and re-evaluate them. In any event, the tree survey is only valid for a 3 year period from the date of the survey, meaning it is now out of date. Moreover, I am not assured that the development shown on the tree protection plan

⁸ Paragraph 8

⁹ Tree Survey, Arboricultural Impact Assessment and Method Statement as amended January 2018, prepared by Elizabeth Greenwood

¹⁰ Paragraph 1.2

matches the appeal proposal. Consequently, little weight can be attributed to the arboricultural information provided.

16. Policy G7 of the London Plan, March 2021(LP) requires development proposals to ensure that, wherever possible, existing trees of value are retained. These include category A, B and lesser category trees considered to be of importance. If it is necessary to remove trees, there should be adequate replacement based on the existing value of the benefits of the trees removed. Given that I cannot reasonably rely upon the categorisation of trees in the survey information provided, it follows that I cannot be assured that the proposal would adhere to these principles. This adds to the degree of harm to the CA.
17. Taking these factors together, the proposal would result in harm to the significance of the CA. However, given the relatively modest scale of the proposal this would be less than substantial harm to the significance of the CA as a whole. Paragraph 202 of the National Planning Policy Framework (the Framework) indicates that in such circumstances the harm should be weighed against the public benefits of the proposal.
18. The main benefit would be the provision of 9 flats, which would increase and diversify available housing stock. However, the level of weight this attracts is tempered by the existence of the 2020 permission for 8 flats. By comparison, the proposal would allow for a net gain of one studio flat. The extent of public benefits arising from this attracts limited positive weight.
19. The proposal would result in the more efficient use of land, encouragement for which is found in the Framework. Nevertheless, paragraph 124 details that such support is not unqualified, and states that the desirability of maintaining an area's prevailing character and setting should be taken into account. Policy D3 of the LP is consistent with this approach and confirms that optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. In this case, appropriate forms of development that would increase the more efficient use of the site have already been established by the 2019 appeal and 2020 permission. The greater efficiency derived from the appeal proposal in this case would be at the expense of the character and appearance of the area. Hence, I give this matter little weight as a public benefit.
20. Paragraph 199 of the Framework stipulates that great weight should be given to conserving the significance of designated heritage assets. Therefore, the collective limited weight attributed to public benefits would not outweigh the harm identified to the significance of the designated heritage asset. Consequently, the proposal would conflict with national policy to protect the historic environment.
21. Accordingly, I find that the proposal would be harmful to the character and appearance of the area and unjustified harm would result to the significance of a designated heritage asset as it would fail to preserve or enhance the character and appearance of the CA. Therefore, the proposal would be contrary to policies HC1, D3, D4 and G7 of the LP; policies HE1 and BE1 of the Hillingdon Local Plan; Part 1, Strategic Policies, November 2012, and policies DMHB1, DMHB4, DMHB11 and DMHB12 of the London Borough of Hillingdon Local Plan: Part 2, January 2020 (LP2). In combination, and amongst other things, these policies seek to ensure a high quality of design for new

development such that it positively contributes to local distinctiveness and ensures the conservation or enhancement of the historic environment.

Living conditions - future residents

22. Policy D6 of the LP stipulates that housing development should be of high quality design and provide adequately-sized rooms. It sets mandatory minimum standards that residential development should achieve or exceed. Logic dictates that development that does not meet those standards would fail to provide the requisite high quality design. In relation to private internal space this includes that a one bedspace single bedroom must have a floor area of at least 7.5m². This approach is reinforced by housing standards contained in policy DMHB16 of the LP2 which requires all housing development to have an adequate provision of internal space in order to provide an appropriate living environment.
23. The Council contend that proposed flats 1, 2, 5 and 6 each have a single bedroom with a floorspace that would fall under the minimum 7.5m² standard. The appellant has not directly disputed this or provided evidence that would undermine the Council's finding. Hence, on the information before me, the floor space of the single bedrooms in these units would unacceptably compromise the living conditions of future occupants and would conflict with the development plan requirement in this regard.
24. Moreover, Tables 3.1 of the LP and 5.1 of the LP2 both specify that a 1 bed, 1 person dwelling must provide a minimum 39m² gross internal area (GIA) (or 37m² where a studio has a shower room instead of a bathroom) and 50m² for a 1 bed, 2 person dwelling. Policy D6 of the LP confirms that any area with a headroom of less than 1.5m is not counted within the GIA unless used solely for storage. Furthermore, the minimum floor to ceiling height must be 2.5m for at least 75% of the GIA of each dwelling.
25. The proposed roof plan indicates that Flat 9 would have 68m² GIA, but it is not otherwise clearly articulated whether this unit is intended as a one, or two person dwelling, nor what the headroom within the roof space available across the unit would be. Hence, doubt remains as to whether this unit would fully adhere to the mandatory space standards in the development plan. Consequently, I am not assured this unit would provide suitable living conditions for future occupants.
26. The Council also raise concerns regarding the outlook available for future occupants of Flat 9. However, the flat would be served by two overhead rooflights, two further rooflights within the roof slope and a centrally positioned rear facing dormer window. In combination these would provide a reasonable view from the bedroom and main living area of the flat.
27. Nevertheless, overall, owing to the constrained internal private space available, the proposal would unacceptably compromise the living conditions of future occupiers of the development. This would fall short of the high standard of amenity for future users stipulated in paragraph 130f of the Framework. Furthermore, as outlined it would conflict with policy D6 of the LP and policy DMHB16 of the LP2.

Other matters

28. The proposal would provide additional housing that would boost overall housing supply and choice. Furthermore, paragraph 69 of the Framework highlights the important contribution that small and medium sized sites can make to meeting the housing requirement of an area. Even so, the benefits accruing from the comparatively modest proposal in this respect would be limited, and so attract a commensurate amount of favourable weight.
29. In support of the proposal, the appellant contends that it would avoid causing harmful overlooking to existing neighbouring residents due to the separation distance maintained between windows. Be that as it may, the absence of harm in this respect does not amount to a positive benefit as it would be a requirement of other local and national planning policies. Hence, this is a neutral factor.

Conclusion

30. Planning law requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise¹¹. I have found that the proposal conflicts with the development plan taken as a whole, and there are no other material considerations that would outweigh that finding. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Helen O'Connor

INSPECTOR

¹¹ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70 (2) of the Town and Country Planning Act 1990.