

Appeal Statement

44 Ickenham Road, Ruislip

Installation of a vehicle crossover with turn-table.

1. INTRODUCTION	3
2. DESCRIPTION OF APPEAL PROPERTY & SURROUNDING AREA	3
3. RELEVANT PLANING HISTORY & DETAILS OF THE APPLICATION GIVING RISE TO THIS APPEAL	4
4. THE DEVELOPMENT PLAN & ASSOCIATED PLANNING PROVISIONS FOR THE AREA	5
5. PLANNING OBSERVATIONS	5
(i) Highway Safety	5
6. CONCLUSIONS	7

1. INTRODUCTION

This appeal arises out of the refusal of the London Borough of Hillingdon to grant permission in respect of the installation of a vehicular crossover with turntable at 44 Ickenham Road. Permission was refused by notice on the 5th of October 2022 with the reference 76824/APP/2022/1899.

1.1 , for the following single reason:

The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the development and has not made provision for their long-term protection. As such the proposal would result in harm to the character and appearance of the area and be contrary to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).

1.2 A copy of the decision notice is attached hereto.

1.3 This Statement will commence with a description of the site followed by an examination of the relevant planning history, and an explanation of our reasons for appeal. We will discuss the council's reasons for refusal and finally, overall conclusions will be drawn.

2. DESCRIPTION OF APPEAL PROPERTY & SURROUNDING AREA

2.1 146 Swakeleys Road is a detached dwelling of fairly traditional design.

2.2 The appeal property benefits from a rear garage provision accessed via a rear service road leading from Sharps Lane.

2.3 The property fronts onto Swakeleys Road which has been deemed ‘Classified’ by the local Authority.

2.4 Many neighbouring properties benefit from a front crossover with parking to the frontage as proposed on this scheme – Photos showing neighbouring properties granted the type of vehicular crossover the applicant is seeking– are attached.

3. RELEVANT PLANING HISTORY & DETAILS OF THE APPLICATION GIVING RISE TO THIS APPEAL

3.1 As indicated at para. 1.3 of the Officer’s Delegated Report in respect of the application giving rise to this appeal, a copy of which is attached hereto in December 2021, permission was refused for the installation of a vehicular crossover with a turntable.

3.2 The application giving rise to this appeal was submitted on 13.06.2022 and was accompanied by drg.nos. 3276-SK1 3276-01e, Tree report Prepared by John Cromar, Doctors Letter by Dr Rose, Traffic Note by Nick Culhane, and a cover letter prepared by Towers Associates Ltd, a copy of the complete application, including the form, drawings reports, can be found attached.

The singular reason for refusal was ‘The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the

development and has not made provision for their long-term protection. As such the proposal would result in harm to the character and appearance of the area and be contrary to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).'

- 3.3 We refute this point strongly, the client from the outset of the project instructed JOHN CROMAR'S ARBORICULTURAL COMPANY LTD, together a scheme has been produced to 'easily protect' any trees from harm.
- 3.4 JOHN CROMAR'S ARBORICULTURAL COMPANY LTD was established in the 1980's and led by John Cromar. John Cromar holds the Professional Diploma in Arboriculture, administered by the Royal Forestry Society, as well as practical tree care and pruning qualifications. He has for many years been a Fellow of the Arboricultural Association, the UK's premier professional tree care body and in the words of the Association, Fellows "represent the best of arboriculture," with fellowship, the highest membership grade available, recognising "knowledge, experience and dedication" and "contribution to the industry."
- 3.5 Despite, the council's position that the application fails to show that trees will be unaffected by the proposal, the applicant and his arboriculturist have provided two options for protecting current trees. Instead, the utmost issue with the application appears to be (by the council's own admission) that *'the dropped kerb and driveway over council land will be built by the Council to a standard specification which will not allow for the prescribed technique.'*
- 3.6 It is prudent to bring to attention this application is not brought without necessity, our clients are seeking permission for this crossover to safely enjoy and utilise their

own property. Currently, the property has rear vehicular access from Sharps Lane to the east which serves a garage via a narrow private drive. and through a dimly lit alleyway which causes our client Ms Dhada great distress and acts as a trigger for her Post-Traumatic Stress Disorder, which she is currently receiving treatment. We have provided a letter from her doctor which explains her diagnosis and how this having a detrimental impact on her daily life. Also accompanying the application is a tree report and highways assessment showing the cross-over will not cause harm to any trees in the vicinity and will not negatively affect any traffic conditions in the road.

- 3.7 Our proposal will improve highway safety as current provision leaves no room for maneuvering and allowing cars to exit the road in forward gear. Our proposal and the provision of a turn-table will allow this to happen and therefore vastly improve the safety of both pedestrians and vehicles.



Photo showing dangers of reversing on Sharps Lane, as previously used in application for 42 Ickenham Road.

4. THE DEVELOPMENT PLAN & ASSOCIATED PLANNING PROVISIONS FOR THE AREA

4.1 The refusal reason refers to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan - Part Two (2020).

5. PLANNING OBSERVATIONS

5.1 The Delegated Report of the Head of Planning & Enforcement upon the application giving rise to this appeal identified three major considerations at Section 5. These are:

1. Highways/Pedestrian Safety
2. Health of trees
3. The effect on character and appearance of the original dwelling house, surrounding area and the impact on neighboring residential occupiers.

5.2 All three items mentioned in 5.1, although separated into categories all relate to the effect on two B grade trees: T2 Japanese cherry and T4 black walnut tree to the front of the application site.

5.3 We will explore and comment on aspects of the refusal in greater depth below.

5.4 (I) Highways Safety

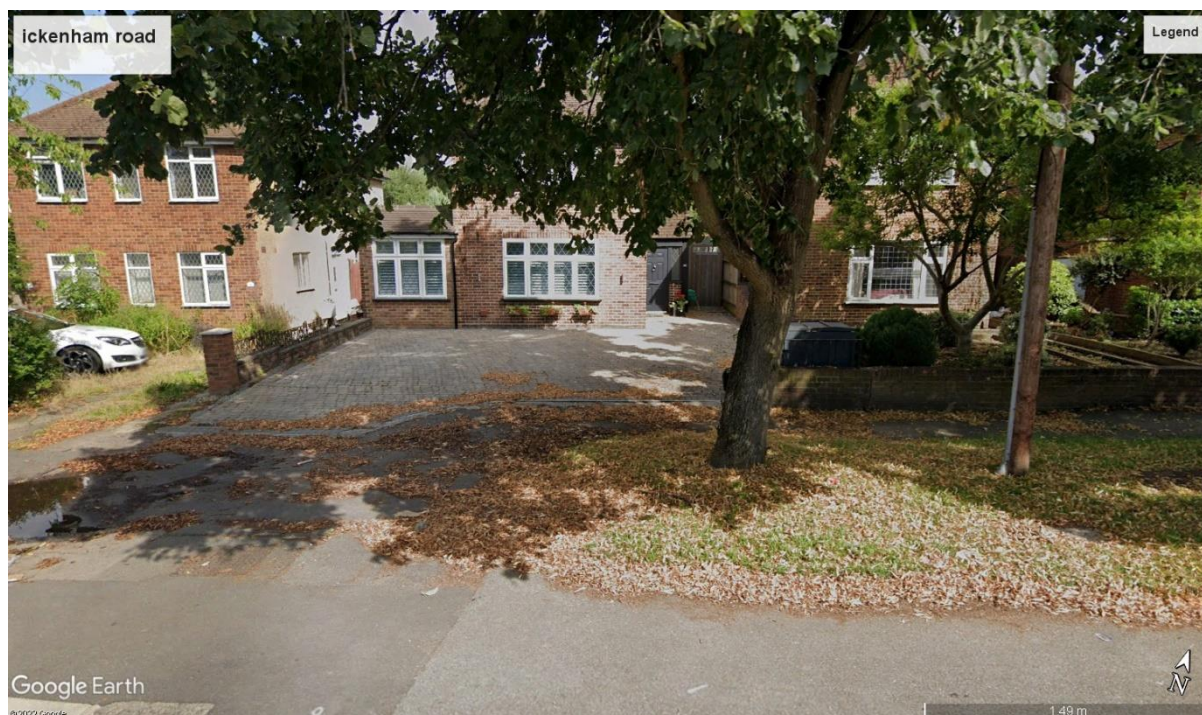
Before exploring in depth, the council's comments in regarding highways safety, it is prudent to draw attention to an application and subsequent appeal decision with strong material consideration. No.42 which neighbours the application site proposed a directly comparable scheme for a new carriageway crossing that was refused by The London Borough of Hillingdon in 2016 - 4073/APP/2016/2781.

The council refused the proposal citing the loss of the public grass verge and proliferation of vehicular access points onto Ickenham Road as key concerns. (4073/APP/2016/2781). The decision was subsequently overturned on appeal. This is a material planning consideration.

(a) The council suggest however 'the detailed levels and siting of the important street trees to the front of Number 44 is also a material consideration.'

Whilst the trees are 1.5 to 1.7m from the driveway at 44 Ickenham Road, there are also trees relevant to the street scene situated less than 1.5m away from the driveway at 48 Ickenham Road, thus showing this distance is acceptable in principle.

Photo showing relationship between 48 Ickenham Road and Highways Tree



(b) The council then argue ‘With regards to the scale of the new crossing, there should be conformity with the Council's 'Domestic Vehicle Footway Crossover' (DVFC) Policy 2019’, they explain in further detail, The policy states that "where an application for a crossover is proposed across a highway verge that is greater than 3 metres in width (or depth) or any grassed highway amenity area, it will be refused". In this case the verge measures nearly five metres in depth hence the proposal would not comply with the above parameter.’

In order to check the scheme’s compliance with this policy a copy of this guidance could not be sourced, as the policy was replaced in July 2022 with

‘Domestic Vehicle Footway Crossover June 2022’. Since the application was determined in October 2022, it is considered most appropriate to take guidance from the policy current at the date of the decision notice. ‘

This policy states on page 15 that an ‘application may be permitted where the highway grass verge or any highway amenity area is less than 4m (from the carriageway kerb line to the property threshold).’

By the council’s own admission, the proposal there is less than a meter’s variance and although we take note of the council’s guidance, it is merely guidance, and does not allow for the specific circumstance of the site and surroundings.

In the appeal decision of the above-mentioned application regarding 42 Ickenham Road, the appeal inspector argued that also a ‘new driveway serving the parking area would cut through the grass verge., it would be of a limited width and therefore a substantial amount of grass verge would remain.’ This would remain the case following the current proposal at 44 Ickenham Road. In accordance with the previously allowed scheme, the highway trees are shown to be retained. And therefore ‘The remaining grass verge and trees would serve

to soften the appearance of the hard surfaced area from the road and pavements.’

5.5. Another comment raised by the council ‘The Highways Officer has considered the engineering solution proposed by the applicant to provide a safe access and to allow for the retention of the trees. The grass area is averaging 500mm higher the paved footway. The level change from the grass verge to the back of footway is too great. ‘

The proposed driveway only mimics that previously approved at 42 Ickenham Road. This route is not for pedestrians and for cars only. This is not a cut through between the two pedestrian walkways.

‘The distance between the two trees is 6.7m with both trees having a 1.5m circumference. To accord with standards the crossover would be required to be away from the tree by four times the circumference of the tree to the top of the ramp kerbs, which in this instance, would be 6m. The applicant has therefore failed to demonstrate a safe and convenient access to the highway in conflict with the requirements of Policy DMT2 of the Hillingdon Local Plan - Part Two (2020).’

In the council’s ‘Domestic Vehicle Footway Crossover’ (DVFC) Policy 2022’ it states that ‘A crossover may be refused if excavation will disturb the root protection zone of any trees

located on the highway’ and then goes on to explain *‘Other factors that are taken into account’* such as:

- *‘the species of tree and its particular needs and habit,*
- *The current health and vigour of the highway tree,*
- *The likely future growth and spatial needs of the tree,*
- *The predicted future root spread of the tree,*
- *The likely effects on the tree if the dropped kerb were to go ahead. Where a proposed crossover is within the precautionary zone of a tree or would negatively impact any of the other factors that are listed,’*

As John Cromar states, no reduction of ground level will be required and thus no disturbance will be caused in the root protection zone allowing the trees to be ‘easily protected.’

Therefore, considering the above I believe we have addressed any concerns regarding the ‘highways safety’ of the proposal and application site.

The secondary matter of Visual Amenity and Character has been explained by the council with the below comments.

‘The applicant has failed to demonstrate that the third party (highway) trees will be unaffected by the development and has not made provision for their long-term protection.

As such the proposal would result in harm to the character and appearance of the area and be contrary to Policies DMHB11, DMHB12 and DMHB14 of the Hillingdon Local Plan

- Part Two (2020)’

Again, John Cromar, a Fellow of the Arboricultural Association, has clearly set out methodology to show the trees can be easily protected, and it is simply the council's refusal to deviate from the '*standard specification which will not allow for the prescribed technique put forward in the submission*' which puts the trees at risk of harm.

The footway and front of the property is at a lower level than the road. The finished driveway level will have to match that of the footway, and it will not be possible to utilise the no dig construction because the prescribed construction method requires the driveway level to be raised at over the verge and tree roots - which will not feather into the footway level without excavation of the verge.

One footway is lower, the footway is higher, the front threshold is approximately the same level of the road, the driveway is not prescribed as a new footway which is the same as the original grass verge. The footway for disabled access is not comprised, the slope is so gradual that it is still compliant with accessibility policies. The driveway will not be less than a 1 in 5 ramp which is acceptable for motor vehicles.

6. CONCLUSIONS

It is contended that the reason put forward by the Council as to why this proposal should be resisted – '*The applicant has failed to demonstrate that the third party (highway) trees*

will be unaffected by the development and has not made provision for their long-term protection..' – stand up to close scrutiny.

6.1 It is contended that these proposals satisfactorily address the relevant policies in the Local Plan Part 2 and the Council's updated Domestic Footway Crossover Policy.

6.2 In all the circumstances, it is concluded that the proposal using techniques prescribed by John Cromar's Report and with the assistance of an arboriculturist does not cause harm to the local trees and thus does not negatively impact highway safety or character and appearance of the road. Therefore, it is respectfully requested, that this appeal be allowed, and planning permission be granted accordingly.