



## Appeal Decision

Site visit made on 29 July 2024

**by P Terceiro BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 30 August 2024**

**Appeal Ref: APP/R5510/W/24/3339638**

**Wyldewoode, 25 The Avenue, Northwood, Hillingdon HA6 2NJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Montague Estates (UK) Ltd against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 13305/APP/2023/3181 sought approval of details pursuant to condition No 3 of a planning permission Ref 13305/APP/2021/1007, granted on 7 March 2022.
- The application was refused by notice dated 27 December 2023.
- The development proposed is four x 2 storey semi-detached dwellings with associated amenity space, parking and 4 x vehicular crossovers.
- The details for which approval is sought are set out in condition No 3, which states that: *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.*

### Decision

1. The appeal is allowed and the details submitted pursuant to condition No 3 attached to planning permission Ref 13305/APP/2021/1007 granted on 7 March 2022 in accordance with the application dated 27 December 2023 and the details submitted with it are approved. Those details comprising the materials detailed in the Schedule of External Materials.

### Procedural Matters

2. The details of materials for which approval is sought relate to a scheme which has already been implemented and is substantially complete. However, condition No 3 states that "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". As such, it is no longer possible for this condition to be complied with because the development has been implemented in breach of a condition precedent, namely that no development shall take place.

3. For the purposes of this appeal, I can therefore only have regard to whether the condition should be discharged based on its merits. Matters relating to the lawfulness of implementation can only be determined through the grant of a lawful development certificate or a subsequent grant of planning permission.

### **Main Issue**

4. The main issue relates to the effect of the external materials on the character and appearance of the area.

### **Reasons**

5. The Avenue contains detached, semi-detached and dwellings which sit on generous plots. The dwellings are normally large in scale and display a range of designs, detailing and decorations. The materials used in the construction of buildings within The Avenue are most commonly brick under clay tiled roofs. However, the bricks display different types, colours and textures, and there are examples of the use of render, tile hung, concrete tiles and slate tiles. As such, the materiality and colouring within the surrounding properties is varied, which provides the street scene with an eclectic and pleasant appearance. Due to its varied nature and lack of homogeneity in style, the streetscape is tolerable to change.
6. The dwellings have been externally finished in buff brickwork for the walls and slate tiles for the roof. Given the range of external finishes present in the nearby houses, the materials complement this mixed street scene, thereby not appearing at odds with the surrounding context.
7. I am aware that the materials used for the development were not those originally envisioned by the Council. However, the application form accompanying the original planning application specified the details of the proposed materials, including buff brickwork and slate tiles. The approved plans show detailed elevations which clearly depict the use of these materials. As such, if the Council had been adamant about the requirement for different materials, then condition 3 should have been more specific in that regard.
8. In light of the above, the external materials do not have a harmful effect on the character and appearance of the area. The proposal therefore accords with Policy D3 of the London Plan 2021 and with Policy DMHB 11 of the London Borough of Hillingdon Local Plan Part 2 - Development Management Policies 2020. Amongst other things, these policies support development that responds to the site's context and uses high quality building materials and finishes. Further, the proposal complies with the National Planning Policy Framework, where it supports development that is sympathetic to local character.

### **Other Matters**

9. My attention is drawn to an appeal decision at 29 Nicholas Way. Although the details before me are limited, I note that this example relates to a property within an Area of Special Local Character, which is not the case of the appeal site. Further, this property is located on another road. Therefore, the characteristics of this area are unlikely to be directly comparable to the

case before me. Consequently, I do not find that this case provides compelling evidence to support this appeal.

10. It has been brought to my attention that some elements of the proposal may have not been implemented in accordance with the approved plans. However, this is a matter that falls outside my consideration of this appeal, which only has regard to whether condition No 3 should be discharged based on its merits.

### **Conclusion**

11. For the reasons given above the appeal should be allowed.

*P Terceiro*

INSPECTOR