



# Appeal Decision

Site visit made on 30 November 2021

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18<sup>th</sup> January 2022

**Appeal Ref: APP/R5510/W/21/3280111**

**3A Dawlish Drive, Ruislip, HA4 9SF**

- 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 M Hashim against the decision of London Borough of Hillingdon.
- The application Ref 14032/APP/2020/3654, dated 6 November 2020, was refused by notice dated 4 February 2021.
- The development proposed is Erection of a two storey attached property with alterations to the main dwelling.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. Since the time the proposal was determined by the Council, the London Plan 2021 now replaces the London Plan 2016, and I have considered the appeal on that basis.
3. The application was not originally advertised by the Council as development affecting the setting of a Listed Building. However, as it is located adjacent to a heritage asset, the Council have since advertised the proposal as necessary. I am satisfied that no parties have been prejudiced as a result.

## Main Issues

4. The main issues are the effect of the proposal on:
  - The setting of the listed building; and
  - The character and appearance of the street scene with regards to the rear dormer window.

## Reasons

### *Setting of heritage asset*

5. The appeal property is located in a suburban and densely built-up part of Ruislip. It is detached in nature and forms part of the street scene of Dawlish Drive although it is a modern Tudor interpretation of the 1930's dwellings to which it shares a close relationship.
6. The appeal site borders the Grade II heritage asset of the listed nursery building that was originally built as an ancillary health clinic to the adjacent listed Lady Bankes Primary School, built in the mid 1930's. As a whole, their

significance derives from their association as part of the Metroland concept to create new housing for the lower middle classes. Of significance, at the time, Middlesex County Council was responsible for the design of community buildings to support the developing area. Lady Bankes School and the former health clinic are fine examples of a modernist utilitarian aesthetic designed by respected architects of the time, and takes design influences from Dutch architecture.

7. The Lady Bankes school building is of substantial scale erected from facing red brick, consistent fenestration pattern, square corners and curved towers, all with flat roofs. This modernist aesthetic is carried forward to the former health clinic building, now a children's day nursery. The two-storey eastern curved stair tower of the nursery that is visible to the side elevation is a significant design feature that connects both buildings.
8. The nursery building is set well back from Dawlish Drive and located on the same building line as the larger school to which it is experienced in close association. Given the smaller proportions of the nursery in comparison to the school, its set back into its reasonably wide open grounds and relationship with the appeal site, creates a sense of spaciousness surrounding the building that contributes positively to its setting.
9. As the school and nursery form designated heritage assets, I have had regard to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). When considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, the protection of the heritage asset is given considerable importance.
10. In addition, the Framework acknowledges the contribution made by the setting of a listed building. Harm to or loss of the significance of a designated heritage asset from its alteration or destruction, or from development within its setting requires clear and convincing justification.
11. The dwelling of the appeal site is located close to the boundary with Number 3 Dawlish Drive with a detached garage that is a subservient and low-level addition to the property. The garage is well set back into the plot behind the main dwelling.
12. The gap that is afforded between this dwelling and the boundary with the nursery may contain some limited landscaping. However, even though additional landscaping could be planted here, I have considered what is currently in place together with the location of the garage. The front and side elevations of the nursery building with projecting curved tower and rectangular tower structures, are clearly experienced in views through the appeal site.
13. The proposal would in-fill a substantial portion of the side gap between the existing house and boundary with the nursery grounds, leaving a small undeveloped space between the side of the proposed dwelling and boundary.
14. In oblique views through the appeal site from the east, the proposed location, height, scale and mass of the development would conceal a substantial part of the building, especially the side and tower portions. Whether or not the

appellant considers these oblique views are 'not a principal planned or designated vantage point', these elements are important design details that contribute positively to the architectural significance of the building. The current open context to which the building is experienced in, adds to its significance. Even though the existing dwelling of 3A sits forward of the nursery building, when viewed from the street scene, the space to the side of the existing dwelling and space in front of the primary school building, enhances the setting of the nursery.

15. The Framework explains that the surroundings in which a heritage asset is experienced, and its extent is not fixed and may change as the asset and its surroundings evolve. All things considered, the setting is a positive one. The proposal's overall scale and location would severely compromise this setting, thus creating a negative contribution to the significance of the heritage asset.
16. I appreciate planning permission has been granted in recent times for a two-storey side extension to the appeal dwelling. However, this is considerably narrower in width with lower height and overall bulk than the proposal before me. It is therefore not the same circumstances as this, and I apply limited weight to it.
17. Considerable importance and weight has to be attached to harm to the designated heritage asset. Therefore, to conclude on this main issue, the setting of the heritage asset would be adversely harmed by the location of the proposal. It would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012, Policies DMHB 1, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 and the London Plan 2021 in their combined objectives to conserve and protect the historic environment.

#### *Character and appearance*

18. The dormer window proposed to the host dwelling to the rear roof plane is in contention between the parties. It would be set down from the ridge line and above the eaves level. Due to its proposed location and the orientation of the dwelling in the street scene, and relationship with the adjacent dwelling at Number 3, it would be partially seen from the street scene through the gaps between the properties. It would also be seen in private views from the rear aspect of local dwellings.
19. In this position it would appear as an unbalanced addition to the roofscape. Furthermore, the fenestration pattern would not correspond with the first floor windows which would add to its discordant appearance. It would result in adverse harm arising to the host dwelling by appearing out of character with it, and thus harmful to the character and appearance of the local area.
20. A rear box dormer may have been approved permission recently at the property and is a fall-back position to the appellant. However, it is centrally positioned with different fenestration arrangement and does not follow precisely the same circumstances as the dormer before me. I apply limited weight to this fall-back position.
21. Therefore, to conclude on this main issue, the proposed dormer would result in harm arising to the host dwelling and to the character and appearance of the local area. It would therefore not meet the design objectives of Policy BE1 of

the Hillingdon Local Plan: Part One - Strategic Policies 2012 and Policies DMHB 11 and DMHD 1 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020.

*Highway and pedestrian safety*

22. The area is described by the Council as having a rating of PTAL 2; low in relation to access to public transport. Consequently, there would be a greater reliance on the private car.
23. At the time of my visit, the local area was congested by on-street car parking. This I could see was attributed in part to the location of the nursery and primary school. In addition, a number of front gardens have no boundary treatment at the back of the footpath and are entirely hardscaped. Whilst this may allow for more off-street parking to the occupiers, it lessens on-street parking availability as it would result in on-street vehicles blocking driveways. Taking into account my observations, it would be reasonable to agree with the Council that the area suffers from parking stress, even if there are no parking restrictions in place. Furthermore, there is no substantive evidence presented by the appellant on the contrary.
24. The appeal proposal would remove a significant portion of off-street parking associated with the host dwelling. It would further create a new dwelling and increase the demand for parking.
25. There may be a bus network and train station within the local area and local roads may not be subject to restricted parking. However, in accordance with parking standards brought to my attention by the appellant, there is a requirement to provide off-street parking for the proposal.
26. Even if I were to agree that two parking spaces would be sufficient to support both dwellings, there are no precise details of how this would be demonstrated on site and whether or not parking could be provided with safe access and egress onto the local highway network. Therefore, taking into account paragraph 56 of the Framework, it would not be reasonable to impose a planning condition as I cannot be certain the proposal would not have an adverse impact upon highway and pedestrian safety.
27. To conclude on this main issue, it has not been demonstrated that the proposal would lead to no adverse highway and pedestrian safety issues. It would therefore conflict with Policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies 2020 and Policies D4 and D6 of the London Plan 2021 in their combined objectives for development to be of good design and not to harmfully impact upon highway and pedestrian safety.

**Other Matters**

28. By creating a pair of semi-detached dwellings here may reflect local character. However, that does not outweigh the harms I have identified.

**Conclusion**

29. Therefore, given the consequence of the proposal on the setting of the listed building, character and appearance of the dormer on the host dwelling and

local area, and highway and pedestrian safety concerns, I have found the scheme would be unacceptable.

30. As it would lead to conflict with the development plan taken as a whole, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

*Alison Scott*

INSPECTOR

