



Appeal Decision

Hearing held on 13 September 2011

Site visit made on the same day

by Isobel McCretton BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 October 2011

Appeal Ref: APP/R5510/A/11/2153688

103, 105 & 107 Ducks Hill Road, Northwood HA6 2SQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Mills (Kebbell Homes) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref. 64345/APP/2010/2782, dated 2 December 2010, was refused by notice dated 7 March 2011.
 - The development proposed is described as erection of 14 flats involving demolition of 103, 105 and 107 Ducks Hill Road (amendment to outline planning approval 64345/APP/2008/3572 dated 27/2/2009).
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Procedural Matters

1. The application was in outline with access, appearance, layout and scale to be approved at this stage. Landscaping was reserved for future consideration. I have determined the appeal on this basis.
2. Prior to the Hearing a S106 Unilateral Undertaking was submitted by the appellant. This would secure financial contributions towards education, health, construction training and libraries to meet the additional needs arising out of the development. I return to this matter below.
3. Also prior to the Hearing, the Council indicated¹ that it considered that reasons for refusal relating to access/living accommodation for people with disabilities (reason 3) and the incorporation of measures to minimise carbon emissions (reason 5) could be addressed by suitably worded conditions requiring the submission of further details regarding these matters if the appeal were to succeed. The Council therefore did not pursue these reasons for refusal at the Hearing other than in the discussion about conditions.

Decision

4. The appeal is allowed and planning permission is granted for erection of 14 flats involving demolition of 103, 105 and 107 Ducks Hill Road at 103, 105 & 107 Ducks Hill Road, Northwood HA6 2SQ in accordance with the terms of the application, Ref. 64345/APP/2010/2782, dated 2 December 2010, subject to the conditions set out in the annex to this decision.

¹ Email to appellant's agent dated 9/6/11

Application for Costs

5. At the Hearing an application for costs was made by the Council of the London Borough of Hillingdon against Mr D Mills (Kebbell Homes). This application is the subject of a separate Decision.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect on the living conditions of the neighbouring occupiers at 111 Ducks Hill Road in terms of loss outlook.

Reasons

7. The appeal site is situated on the south western side of Ducks Hill Road and comprises 3 detached dwellings of no particular architectural merit. These are set back from the road in gardens of varying depth. It is proposed to demolish the 3 dwellings and to erect a block of 14 apartments with ancillary parking, bin store and cycle store.
8. Planning permission was granted in 2005 (Ref. 36739/APP/2005/655) for a 2 storey block of 6 flats at no.107. In 2007, planning permission was granted (Ref. 62513/APP/2006/3462) for a 3-storey block of eight flats at nos.103 & 105. This permission remains extant until March 2012. Outline planning permission was granted in 2009 (Ref. 64345/APP/2008/3572) for 14 flats in two 3-storey buildings (effectively an amalgamation of the 2 previous schemes) in place of all three dwellings. This permission also remains extant until February 2012. The extant planning permissions are a material consideration in my determination of this appeal.

Character and Appearance

9. The current proposal is a reworking of the scheme granted outline planning permission in 2009. It would comprise 14 x 2-bedroom flats in two blocks with a 3-storey central glazed link between them which would be set back from the front of the two buildings. The scheme includes an additional floor to the southern block, changes to the design through the creation of subordinate side wings and front gables and an overall reduction in the width by 1.2 metres. There would also be a change to the dwelling mix (formerly 6 x 3-bedroom, 7 x 2-bedroom and 1 x 1-bedroom units) to which the Council has no objection.
10. Ducks Hill Road, which is not a designated conservation area or area of special character, is an attractive and predominantly residential thoroughfare with the properties varying considerably in size and design. Generally, but not exclusively, they are substantial detached dwellings interspersed with blocks of flats set behind trees and shrubs. The gaps between the buildings vary as do the width of the frontages. The Council argues that the bulk and mass of the proposed development across the site would appear over dominant in the street scene and that the spread of development across the site would be out of keeping with the character and appearance of the area.
11. The 2 wings of the building would be of a different but complementary appearance, designed to give the impression of two large, extended houses. In my opinion the glazed link would be sufficiently recessed so that that the development would appear as 2 separate buildings in the longer views along Ducks Hill Road. Even in the limited views where it could be seen as a whole I

do not consider that the development would be over dominant or intrusive in the street scene or out of keeping with the character and appearance of the area. Views of the front elevation would be filtered by trees along the frontage. These are mainly large oaks which are subject to a tree preservation order and which would be retained. Additional landscaping could be required if the Council felt this to be necessary as landscaping is a reserved matter. Moreover, I saw that along the road there are several developments of flats with wide, open frontages which are part of the character of the area.

12. The footprint of the development would be slightly smaller than that already approved and I consider that the building would be better articulated than in the previous schemes. The building would be offset from the side boundaries by between around 1.2 - 2.02 metres, and the gaps to adjoining buildings, around 4 - 5 metres, would not, in my opinion, be uncharacteristically narrow.
13. I also disagree that the crown roof and half-hipped ends on the flank elevations would be out of keeping with the prevailing form of development in the area. Several developments appear to have deep footprints and crown roofs, the adjoining blocks to the north, Oak House and Elm House, being a case in point. Half hipped roofs are not typical of the area but there are examples of this roof form, including the town houses at the next site but one to the south of the appeal site.
14. I conclude that the proposal represents a good quality scheme which would not be detrimental to the character and appearance of the area. As such it would accord UDP² policies BE13 and BE19 which require new development to harmonise with the existing street scene and complement or improve the amenity and character of the area.

Living Conditions

15. Adjoining the boundary with no.111, the building which is the subject of the extant permission would be 2½ storeys in height. The Council argues that the additional height and mass of the block now proposed would be oppressive and would restrict the outlook from the adjoining patio area. However the proposed block would be partially cut into the ground so that the eaves would be only around a metre higher than that of the permitted building so that effectively it would also appear as 2½ storeys adjoining no.111. Although the half-hipped roof would not rake away from the boundary to the same extent as the pitched roof in the approved scheme, the block now proposed would be set further from the boundary. I do not share the Council's concerns about lack of articulation on this elevation given the protruding chimney feature and partial tile hanging. Furthermore the appellant stated that it is intended to retain much of the existing vegetation along this boundary.
16. I conclude that the proposed development would not have a materially greater impact on the living conditions of the adjoining occupiers in terms of outlook than the approved scheme and would not conflict with UDP policy BE21 in this regard.

² London Borough of Hillingdon Unitary Development Plan adopted 1998 (UDP). The policies cited have been saved under the terms of a Direction pursuant to paragraph 1(3) of Schedule 8 of the Planning and Compulsory Purchase Act 2004.

Other Matters

17. The Council has produced SPG on Planning Obligations³ to justify the requirement to make financial contributions towards certain services and facilities to meet the cost of the additional needs arising from the development. The nature of the proposal means that there is likely to be additional demand for more school places, library and health services. The requirement for a contribution to construction training stems from an identified need to improve the local skills base to address problems such as, barriers to employment and social exclusion and unsustainable commuting. Locally, the construction industry has been seen as one of the key employment sectors in west London.
18. In my view the contributions sought are necessary and are fairly, directly and reasonably related to the development proposed. I therefore consider that the submitted Undertaking would accord with the advice in Circular 5/2005: *Planning Obligations* and would meet the tests for planning obligations set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

Conditions

19. I have considered the need for conditions in the light of the advice in Circular 11/95: *The Use of Conditions in Planning Permissions* and those discussed at the Hearing. I have also, in some cases, modified the wording to accord more closely with the advice or model conditions in the Circular.
20. It is necessary to impose conditions requiring the submission of landscaping, which is a reserved matter, along with details of the trees and vegetation to be retained and measures for their protection during construction works. For the avoidance of doubt and in the interests of proper planning I also consider that it is necessary to require that the development be carried out in accordance with the approved drawings.
21. In the interests of the appearance of the development, it is necessary to require the prior approval of materials and boundary treatment. To meet the needs of future occupiers it is reasonable to require the provision of secure bicycle storage and the setting out of the car park, including parking bays for disabled people, and building of the units to Lifetime Home standards with 10% being fully wheelchair accessible.
22. To reduce the energy demand and carbon dioxide emissions from the development in order to address the effects of climate change, details are required of energy efficiency measures and a sustainable urban drainage system.
23. To ensure highway safety, adequate sight lines at the access points are necessary along with the closure of the existing access.
24. To protect the living conditions of future and adjoining occupiers it is necessary to restrict noise emissions from any plant and equipment such as air source heat pumps.
25. I do not consider it necessary to impose conditions requiring insulation from road noise: there is no evidence before me to show that noise from traffic on Ducks Hill Road is such that special attenuation measures should be required.

³ Supplementary Planning Guidance: Planning Obligations dated 2008 (updated 2010) (SPG)

Nor do I find there is evidence to show that specific crime prevention measures are needed.

26. I also do not consider it necessary to require that soil to be used for landscaping is tested for contamination as the disposal of contaminated material would be covered by other legislation.

Isobel McCretton

INSPECTOR

ANNEX

Schedule of Conditions for Appeal Ref. APP/R5510/A/11/2153688

- 1) Details of the landscaping (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Except as required by other conditions in this permission, the development hereby permitted shall be carried out in accordance with the following approved plans: FSW10-725-50A, 51, 52A, 53, 54A, 55A, 56A, 100, 101, 102, 103, 104, 105, 106A, 107A, 108, 109, 110, 111A, 112, 120, 121, 122, 123, 125, 126, 130, 140, 150, 200, 201, 600, 601.
- 5) The plans and particulars submitted in accordance with condition 1 above shall include:
 - i) a plan showing all trees shrubs and hedgerows on the site which are to be retained;
 - ii) details of any proposed topping or lopping of any retained tree, or of any tree on land adjacent to the site;
 - iii) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation, within the crown spread of any retained tree or of any tree on land adjacent to the site within a distance from any retained tree, or any tree on land adjacent to the site, equivalent to half the height of that tree;
 - iv) details of the specification and position of fencing and of any other measures to be taken for the protection of any retained tree from damage before or during the course of development.
- 6) The protective fencing required by condition 5, shall be put in place prior to the commencement of site works and shall be retained for the duration of building works. Within this area there shall be no changes in ground levels; no storage of plant and materials; no erection or stationing of temporary buildings; and no burning of waste or materials.

- 7) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 8) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are occupied in accordance with the approved details.
- 9) Unobstructed sight lines above a height of 600mm shall be permanently maintained on both sides of the access points to the site for a distance of at least 2.4 metres in both directions along the back edge of the footway or verge.
- 10) The existing vehicular access point to the site shall be closed, the dropped kerb removed and the footway reinstated to match the adjoining footway within one month of the new access being completed
- 11) No development shall take place until details of the implementation, maintenance and management of a sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.
- 12) Prior to the commencement of development measures to reduce the energy demand and carbon dioxide emission of the development and to provide a 20% reduction in the site's carbon dioxide emissions through renewable energy generation shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 13) The rating level of the noise emitted from any plant and equipment (such as air source heat pumps) installed at the site shall be at least 5dB lower than the existing background noise level. The noise levels shall be determined at the nearest residential premises in accordance with British Standard 4142: *Method for rating noise affecting mixed residential and industrial areas*.
- 14) Notwithstanding the details on the submitted drawings, all residential units within the development hereby approved shall be built in accordance with 'Lifetime Homes Standards'. Further, 10% of the units hereby permitted shall be designed to be fully wheelchair accessible or easily adapted for residents who are wheelchair users as set out in the Hillingdon Design and Accessibility Statement: Accessible Hillingdon. Such measures shall be submitted to and approved in writing by the local planning authority prior to the commencement of work and thereafter permanently retained.
- 15) Notwithstanding the details on the submitted drawings, no development shall commence until details of the parking arrangements have been submitted to and approved in writing by the local planning authority and the development shall not be occupied until the parking space has been laid out in accordance with the approved scheme. The details shall include two parking bays for disabled people which shall be a minimum of 4.8m long x

3.6m wide, or at least 3.0m wide where two adjacent bays may share an unloading area.

- 16) Before development commences details for the provision of 14 secure bicycle spaces shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

APPEARANCES

FOR THE APPELLANT:

Chris Watts MRTPI, DMS Director, Maze Planning

FOR THE LOCAL PLANNING AUTHORITY:

Stephen Volley MA, MRTPI Planning Appeals Manager, LB Hillingdon

DOCUMENTS SUBMITTED AT THE HEARING:

Document 1 Council's letter of notification of the Hearing

Document 2 Bundle of copies of title deeds submitted by the appellant

DRAWINGS:

A1-33 Drawings submitted with the planning application (FSW10-725-50A, 51, 52A, 53, 54A, 55A, 56A, 100, 101, 102, 103, 104, 105, 106A, 107A, 108, 109, 110, 111A, 112, 120, 121, 122, 123, 125, 126, 130, 140, 150, 200, 201, 600, 601)

B1-7 Layout drawings of previous schemes

C1-5 Supplementary/indicative drawings fd07-484-P2-51, 135,600, 140, 56