

Appeal Decision

Site visit made on 9 October 2024

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2024

Appeal Ref: APP/R5510/W/24/3346298

5a Harrow View, Hillingdon UB10 0QG

- 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 G Sheel against the decision of the Council of the London Borough of Hillingdon.
 - The application is Ref. 20342/APP/2024/166.
 - The development proposed is the erection of a new two-storey 3-bed dwelling with basement, new garage, bin storage and associated amenity space, following demolition of the existing dwelling. (Alternative proposal following the approval of application ref. 20342/APP/2023/2898).
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of a new two-storey 3-bed dwelling with basement, new garage, bin storage and associated amenity space, following demolition of the existing dwelling at 5a Harrow View, Hillingdon UB10 0QG in accordance with the terms of the application, Ref. 20342/APP/2024/166, dated 22 January 2024 and subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

3. The Officer's Report sets out the planning history of the site, including an application for the erection of a new two-storey 4 bed dwelling with basement; new garage; cycle and bin storage granted in November 2023 under reference 20342/APP/2023/2898. The Report also explains that the current appeal scheme differs from its predecessor as regards changes to design and layout, including a larger detached garage and a reduction from 4 to 3 bedrooms. The Council does not consider that the 'amenities' (or more precisely 'living conditions') of occupiers of neighbouring dwellings would be adversely affected by the new proposal.
 4. In resolving to refuse the appeal scheme solely on the basis of its effect on the character and appearance of the area, the Council is at a disadvantage. This is because with its wholly backland siting, the proposed dwelling would not be perceived as a development that forms part of a street scene. Consequently, without a road frontage the development would not have a sufficiently
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noticeable jarring effect to draw the eye and be perceived negatively when read with the essentially 'traditional' C20th design of Nos. 5 and 7 Harrow View.

5. However, whilst this ostensibly provides an opportunity for the principle of a contemporary design to be acceptable, I consider that the Council's report, Notice of Refusal and appeal statement identify the need for closer scrutiny of the application of this principle in this instance. Policy DMHB 11A)i) of the Hillingdon Local Plan Part Two 2020 ('the Local Plan') requires development to harmonise with its local context in respect of a number of criteria. As the latter are intended to ensure high standards and good design, I do not interpret the requirement to 'harmonise' as in itself precluding a contemporary approach.
6. Policy DMH6 of the Local Plan is specifically tailored for Garden and Backland Development, and as the Council points out, in criterion iii) requires development on backland sites to be '*more intimate in mass and scale and lower than frontage properties*'. In granting permission for development under reference 20342/APP/2023/2898 the Council will have had regard to the requirements of that policy and the aforementioned Policy DMHB 11)Ai).
7. In terms of the proposal in this appeal I acknowledge that because of its flat roof at two-storey height the proposed dwelling would not clearly be perceived as being in full accord with that description, albeit that the appellant's statement refers to this height being approximately a metre lower than the frontage properties in Harrow View. Nonetheless, there are in my view several factors that combine to support the case for the development.
8. Firstly, the proposed contemporary design is restrained in that although innovative the dwelling would not be ostentatious with features intentionally included to draw attention or make a 'Statement' as is the case with some contemporary buildings. Elements of flat roof at a similar height are part of the character and appearance of the area, as confirmed by the appellant's reference to a third of the houses in Pole Hill Road having '*flat roof double dormers*'.
9. Secondly, the combination of its rearward siting and orientation would be such that the building would have only a very limited impact on the public realm. As the submitted plans illustrate, the north and south elevations are of a smaller width than the east and west and the only public sight of the building would be northwards along the driveway from Harrow View. And as I have indicated in paragraph 4 above, although visible and noticeably different, the distance from the road and partial screening by No. 7 would effectively preclude any reasonable perception of harmful incongruity.
10. Finally, the appeal documentation contains full details of the approved scheme including drawings of the elevations. By way of comparison, the building footprint in this appeal would be repositioned to the north and similar in size to that already approved, and with a slight reduction in the building's volume and internal floorspace.
11. However of far more significance, I consider the design of the approved scheme to be particularly poor with the over-dominant roof and its disproportionately extensive fenestration drawing the eye and appearing entirely uncoordinated with the ground floor elevations that in themselves are uninspiringly bland. The Council will be aware that this permitted scheme is a fall-back for the appellant or future owners of the land if I dismiss this appeal. And given its clear

inferiority to the appeal scheme's design I am of the view that this adds significant weight to the argument for the current proposal to be approved.

12. Overall and with its contemporary design notwithstanding, I find that the proposed development would have no adverse impact on the character and appearance of the area. Accordingly, there would be no harmful conflict with the Council's policies including Local Plan Policies DMH6; DMHB11 & DMHB12; Policies D1, D3 & D6 of the London Plan 2021, or with Government Policy in Section 12: 'Achieving Well-Designed and Beautiful Places' of the National Planning Policy Framework December 2023.

Other Matters

13. Local residents have objected to the proposal on a number of matters including traffic, harm to the environment and privacy. I have taken account of the points raised but having regard to the fact that, in addition to my reasons for disagreeing with the Council's refusal of permission this is a long-established residential site, and that conditions can be applied to mitigate the potential for any harm being caused including during the construction period, I conclude that the appeal should succeed.

Conclusion and Conditions

14. For the reasons explained and having had regard to all other matters raised the appeal is allowed. The Council has suggested a number of conditions and these have not been objected to by the appellant. A condition requiring the development to comply with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition stipulating that all materials and external surfaces should be first approved by the Council will safeguard visual amenity.
15. A condition requiring a demolition and construction management plan will safeguard the amenities of neighbours, whilst a condition in respect of sustainable drainage will prevent flooding and conserve water resources. A condition requiring existing and proposed ground levels will ensure that the development relates satisfactorily to adjacent properties.
16. Details of step-free access and accessible standards within the dwelling will be required by condition to ensure that the dwelling is accessible to all, whilst a landscaping condition will ensure the preservation and enhancement of visual amenity. The restriction of permitted development through conditions will safeguard visual and residential amenity.
17. A condition in respect of the basement is needed for the safety of users and to safeguard neighbouring land, groundwater and nearby buildings. Finally, a tree protection condition will ensure that the amenity of the site is retained, including through the protection of any root areas or crown spreads on the site boundaries.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development to which this permission relates shall begin not later than the expiration of three years beginning with the date of this Decision;
- 2) The development hereby permitted shall not be carried out except in complete accordance with the details shown on approved plans including all annotations: Drawing No. Series 5092: Plan Nos. 7 Rev. C; 8 Rev. C; 9 Rev. C; 12 Rev. C; 13; OS Based Location Plan, and shall thereafter be permanently retained in that form and with those details;
- 3) No development shall take place until a demolition and construction management plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall detail: a)The phasing of development works; b)Types of vehicles accessing the site, including their ability to enter the shared driveway without affecting neighbouring properties; c)The hours during which development works will occur; d)How vehicles will access the site whilst protecting neighbouring sites; e)Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities); f)Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours); g)Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process; h)The storage of demolition/construction materials on site.
The approved details shall be implemented and maintained throughout the duration of the demolition and construction process;
- 4) Prior to commencement of the hereby approved development, (excluding demolition and site clearance) a scheme for the provision of sustainable water management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate how the approved development will incorporate sustainable urban drainage (SuDs) in accordance with the hierarchy set out in Policy 5.13 of the London Plan and will: i. provide information on all SuDs features including the method employed to delay and control the surface water discharged from the site and: ii. provide a management and maintenance plan for the lifetime of the development of arrangements to secure the operation of the scheme throughout its lifetime including appropriate details of Inspection regimes and appropriate performance specification. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will: iii. provide details of water collection facilities to capture excess rainwater and how water usage will be reduced in the development. Thereafter the development shall be implemented and

retained/maintained in accordance with these details for as long as the development remains in existence;

- 5) Save for demolition and site clearance works, no above-ground works 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 shall include information relating to make, product/type, colour and photographs/images;
- 6) Save for demolition and site clearance works, no above-ground works shall take place until plans of the site showing the existing and proposed ground levels and the proposed finished floor levels of all proposed buildings have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be shown in relation to a fixed and known datum point. Thereafter the development shall not be carried out other than in accordance with the approved details[
- 7) Prior to the above ground works commencing, details of step-free access to the proposed dwelling via all points of entry and exit shall be submitted to, and approved in writing, by the Local Planning Authority. Thereafter the approved development shall be carried out in accordance with the submitted details and maintained throughout the lifetime of the development;
- 8) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
 1. Details of Soft Landscaping; 1.a Planting plans (at not less than a scale of 1:100) 1.b Written specification of planting and cultivation works to be undertaken 1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate;
 2. Details of Hard Landscaping 2.a Refuse Storage (which should be secure and enclosed) 2.b Cycle Storage (which should be secure and enclosed providing cycle for 2 bikes) 2.c Means of enclosure/boundary treatments 2.d Hard Surfacing Materials 2.e External Lighting 2.f Any other structures;
 3. Details of Landscape Maintenance 3.a Landscape Maintenance Schedule for a minimum period of 5 years 3.b Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased;
 4. Schedule for Implementation;Thereafter the development shall be carried out and maintained in full accordance with the approved details;
- 9) The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building

Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building;

- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to the dwellinghouse the subject of this permission shall be erected without the grant of further specific permission from the Local Planning Authority;
- 11) The approved dwellinghouse shall not be converted into an HMO under any provision of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) without the grant of further specific permission from the Local Planning Authority;
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the first-floor walls or roof slopes of the development hereby approved;
- 13) Prior to the construction of the basement (including any excavation works associated with facilitating the basement) an intrusive ground investigation study shall be submitted to the Local Planning Authority to confirm the ground conditions and groundwater levels (if any) beneath the site, as well as to inform the design of the building's foundations. The investigation shall include infiltration testing for the site. Should the results of the investigation suggest/advise management measures or remedial works to ensure that the basement is constructed in a safe and secure manner (which would not be of detriment to groundwater or ground conditions), those measures shall be implemented in full and maintained as such for the lifetime of the development;
- 14) Prior to the construction of the basement of the hereby approved dwelling, details shall be submitted to, and approved in writing by, the Local Planning Authority with respect to:
 1. A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures;
 2. Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained shall be submitted to the Local Planning Authority for approval. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority

such fencing should be a minimum height of 1.5 metres; Thereafter, the development shall be implemented in accordance with the approved details.

The fencing shall be retained in position until development is completed.

The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas: 2.a There shall be no changes in ground levels; 2.b No materials or plant shall be stored; 2.c No buildings or temporary buildings shall be erected or stationed; 2.d No materials or waste shall be burnt, and 2.e No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority;

Where the arboricultural method statement recommends that the tree protection measures for a site will be monitored and supervised by an arboricultural consultant at key stages of the development, records of the site inspections / meetings shall be submitted to the Local Planning Authority.