
Appeal Decision

Site visit made on 4 July 2022

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th July 2022

Appeal Ref: APP/R5510/W/22/3295033

61 Long Lane, Ickenham, UXBRIDGE, UB10 8QU

- 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 John Quinn against the decision of London Borough of Hillingdon.
 - The application Ref 26110/APP/2021/1488, dated 13 April 2021, was refused by notice dated 3 December 2021.
 - The development proposed is demolition of existing two storey detached dwelling and the erection of a two-storey apartment building to provide 4 x 2 bed, 4 x 1 bed and 1 x 2 bed penthouse together with associated parking, refuse and recycling provision/storage and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - The effects of the proposal on the character and appearance of the Ickenham Village Conservation Area;
 - Whether the proposal would lead to an unacceptable loss of a five-bedroomed dwelling;
 - The effects of the proposal on the living conditions of future and adjoining residential occupiers;
 - The effects of the proposal on protected species.

Reasons

Character and Appearance

3. Long Lane in the vicinity of the appeal is relatively wide and individual properties sit on well landscaped plots in a regular pattern along the road. Although these vary in size and appearance many have been constructed in the "Arts and Crafts" style and this contributes to an attractive suburban environment. The area forms part of the Metroland development of Ickenham and lies within the Ickenham Village Conservation Area.
4. The appeal site comprises a relatively modest two storey dwelling which sits on a large plot close to the junction with Edinburgh Drive. In keeping with other properties nearby it is well-proportioned and retains elements of its original design such as the tall chimneys, timber detailing and a roof extending to ground level

with dormers. It sits well back from the road and although well screened the modest proportions of the building allow a sense of space with glimpsed views through the site. In this regard its scale and appearance contribute positively to the character of the conservation area.

5. The appeal relates to the erection of a significantly larger building on the site which would provide 9 apartments. Although plans show that the building would not be significantly higher than the existing dwelling, it would be wider and substantially deeper, and would include a "crown" roof. This would facilitate an additional storey of development within the roof space. As a result, and in comparison, with the existing structure, which has a steep roof sloping to ground floor, the proposed building would appear much larger in comparison.
6. Furthermore, although the design of the proposed building includes references to the original in the form of dormer windows, high chimneys and timber boarding, it would have limited variation in depth along the building frontage. Despite being set marginally further back on the plot, this lack of articulation and the significant mass of the structure would result in an intrusively bulky building, which would lack much of the refined detailing that characterises the more attractive buildings in the wider street scene.
7. I take account of the fact that the wider area includes a variety of architectural styles, including some flatted development, not all of which make a positive contribution to the Conservation Area. I also note that the more contemporary elements of the design would be to rear, and so not visible in the street scene. Nevertheless, although relatively well screened, the significantly wider and deeper building would be clearly evident in views into the site from Long Lane. In these views the bulk of the building would result in it appearing obtrusively out of scale with the more domestic scale of other dwellings in the street scene. It would also erode the sense of spaciousness which currently contributes to the character of the conservation area.
8. On the first matter I therefore conclude that the proposal would fail to provide a high-quality development which would harmonise with its local context and so would fail to preserve or enhance the character or appearance of the Ickenham Village Conservation Area. Accordingly, it would fail to comply with Policies BE1 and HE1 of the Hillingdon Local Plan Part 1 and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2, or Policies HC1, D1, D3 and D4 of the London Plan. Together these policies seek to conserve and enhance Hillingdon's distinct and varied environment by ensuring that new development is designed to be appropriate to the design and context of Hillingdon's townscapes. It would also fail to comply with the National Planning Policy Framework (the Framework) which has similar aims.

Provision of an Appropriate Housing Mix

9. The development would provide 4 x one bedroomed and 5 x two bedroomed dwellings. Policy DMH 2 states that the Council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the Council's latest information on housing need. The latest information on housing need dates from 2018 and identifies a substantial borough-wide requirement for larger units, particularly three-bedroom properties. Applicants proposing residential schemes are required to demonstrate that this need has been taken into account.

10. Policy H10 of the London Plan states that new development should consist of a range of unit sizes, taking account of a range of factors including proximity to stations, need in the area for family housing and the role of one and two bed units in freeing up larger family housing.
11. The Council have identified that the scheme would lead to loss of a five bedroomed dwelling but would not provide any family housing within the scheme, despite an identified local need. The appellant has not demonstrated that this need has been taken into account, and although the latest data in relation to housing need by mix dates from 2018¹ I've been provided with no compelling evidence that the need identified will have significantly diminished since then. Therefore, whilst I acknowledge that the supply of smaller housing could potentially free up larger units from residents downsizing, the absence of any units larger than 2 bedrooms within the scheme is contrary to adopted local plan policy in this case and would fail to provide a mix of housing units to meet local housing need.
12. On the second matter I therefore conclude that the proposal would fail to comply with Policy DMH 2 of the Hillingdon Local Plan Part 2 and Policy H10 of the London Plan (2021). It would also fail to comply with the Framework, which seeks to ensure development provides the size, type and tenure of housing needed for different groups in the community.

Living Conditions

13. The plot has a large rear garden which has established landscaping along the boundaries. A number of adjoining properties have shared boundaries to the rear and with the introduction of rear balconies the Council expressed concerns that the development would lead to visual intrusion into the rear gardens of adjoining properties. I note that balconies at first floor level would have high privacy screens to either side that would prevent direct overlooking into immediately adjacent gardens. Furthermore, given the separation distances available and screening provided by planting along the site boundaries, overlooking from these balconies would be relatively limited.
14. Nevertheless, with regard to future occupiers, Flats 1 and 4 within the proposed development would have a footpath running immediately in front of front windows. Whilst I note that this footpath would be lightly used, the lack of available space to the front provides limited opportunity for defensible planting and so there would be a perception of intrusion for residents of these units, even if actual overlooking was relatively limited. This would diminish the quality of the accommodation provided.
15. Accordingly, on the third matter I conclude that although the proposal would not harm the living conditions of adjoining occupiers, it would fail to provide acceptable living conditions for future occupiers of the development. The Council have referred to policies DMHB 15 and DMHB 16 of the Hillingdon Local Plan. These policies relate primarily to safety and space standards and so are not directly related to the matter of privacy. However, the development would fail to accord with Policy D6 of the London Plan, which through table 3.2 seeks to protect privacy and would also conflict with guidance in the Framework which seeks a high standard of amenity for existing and future users.

¹ London Borough of Hillingdon – Strategic Housing Market Assessment Update October 2018

Effect on Protected Species

16. The proposal was accompanied by an ecological survey which identified that long-eared bats were present within the roof-void of the existing property and common pipistrelle bats were present in one of the dormers. Under the Conservation of Habitats and Species Regulations 2017 it is an offence to cause harm to protected species or their habitats and a licence is required from Natural England for any development which would disturb the habitat of protected species. Policy DMEI 7 of the Local Plan sets out that proposals that result in significant harm to biodiversity which cannot be avoided, mitigated, or, as a last resort, compensated for, will normally be refused.
17. No mitigation measures have been put forward as part of the scheme and so I cannot be assured that the development could be designed to protect bats during the construction phase or that long term impacts upon the local bat population could be mitigated. Therefore, I must conclude that the proposal as submitted would cause harm to protected species and their habitats, contrary to Policy DMEI 7 of the Local Plan and Policy G6 of the London Plan and the Framework which have similar aims.

Other Matters

18. Some residents have raised concerns with regard to congestion, parking stress and highway safety. However, I note that the Council Highways Team have no objection and in the absence of any substantial evidence of harm in this regard I share their view that the scheme would be acceptable in highways terms. I also note concerns regarding pollution, flooding, harm to trees and the capacity of local services but these matters do not add to my concerns set out above.
19. The proposal would provide 8 additional dwellings in a relatively accessible location. This would also involve the intensification of development on the site which I am advised would comply with Policy DMHB17. The proposal would also provide some economic benefits during construction. These benefits, whilst noted, would not be sufficient to outweigh the harm identified above.
20. I am also advised that the proposal would meet internal space and garden standards and would be capable of meeting energy and water use standards set out in the Local Plan. These matters do not represent benefits but are rather examples of compliance with adopted policy and so are neutral factors which do not weigh in favour of the scheme.
21. The appellant has raised concerns regarding the handling of the application by the local authority. This is not a matter which is relevant to this appeal which relates to the planning merits of the proposal.

Conclusion

22. Accordingly, having regard to all the above, the appeal is dismissed.

Anne Jordan

INSPECTOR

