



Appeal Decision

Site visit made on 22 April 2025

by **John D Allan BA(Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 May 2025

Appeal Ref: APP/R5510/D/25/3362133

3 Nicholas Way, Northwood, Hillingdon, HA6 2TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Davda against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 26960/APP/2024/2813.
- The development proposed is the construction of a new access.

Decision

1. The appeal is allowed and planning permission is granted for the construction of a new access at 3 Nicholas Way, Northwood, Hillingdon, HA6 2TR in accordance with the terms of the application, Ref 26960/APP/2024/2813, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plan: Drg No 1441/P2/1.
 - 3) The development hereby permitted shall be carried out in accordance with the details and recommendations of the Arboricultural Impact Assessment Ref GHA/DS/160444:24d, dated 21 October 2024 and prepared by GHA Trees Arboricultural Consultancy, and the accompanying Tree Protection Plan Rev B dated October 2024.

Main Issue

2. The main issue is the effect of the proposal upon two protected Cedar trees.

Reasons

3. The appeal property is a detached dwelling within a wider residential area. At the time of my visit, I saw it was undergoing extensive works. There is an existing access to one side of the property's frontage leading from Nicholas Way to a driveway and hardstand. The remainder of the frontage close to the boundary with the back edge of the pavement is heavily vegetated with trees and shrubs. The proposal would extend the existing driveway in an arc to create an 'in-out' arrangement, with a second vehicle crossover onto Nicholas Way at the opposite side of the plot's frontage.

4. The site is located within area A1 of Tree Preservation Order (TPO) 393, which took effect in March 1986. The site's frontage includes five trees of species described within the TPO. These are identified as trees T1, T2, T3, T5 and T7 by the appellant within the Arboricultural Impact Assessment (AIA), which accompanied the planning application. There are two further trees, T4 and T6, both a species that is not included within the TPO. Trees T1, T6 and T7 are proposed for removal as part of the development. Trees T2, T3, T4 and T5 would be retained.
5. The AIA surveyed the trees in accord with British Standard 5837:2012 – *Trees in relation to design, demolition and construction – Recommendations*. The trees that would be removed have been assessed as either C or U category grading in accordance with BS:5837, those being in such a condition that they cannot realistically be retained as living trees for longer than 10 years, or else are trees of low quality. The Council has no objection to the removal of trees T1, T6 and T7 given their limited amenity value. Based on my own observations during my visit I have no reason to disagree.
6. The proposed extended driveway would encroach into the root protection area of two protected Cedar trees (trees T2 and T5). The application drawings clearly detail a 'no dig-construction' method that would retain existing ground levels and allow moisture and oxygen to penetrate the soil beneath. With appropriate tree protection barriers and on-site supervision, the AIA concludes that with this approach the principal arboricultural features within the site could be retained and adequately protected during the development phase.
7. The Council has offered no critical analysis of the AIA or of the specialist driveway construction that is proposed and which the AIA supports. I have no reason to doubt that the methodology, which is supported by BS:5837 and which the appellant has demonstrated with evidence has been widely used in other similar and comparable circumstances, would avoid harm to the two protected Cedar trees. The wider character and appearance of the Copse Wood Estate Area of Special Local Character, within which the site is located, would therefore be unaffected by the proposed works. As such, there would be no conflict with Policy DMHB 14 of the Hillingdon Local Plan: Part 2 Development Management Policies (DMP), adopted in 2020, which specifically deals with trees and landscaping and seeks, amongst other things, to retain and protect trees of merit. For the same reason there would be no conflict with Policy G7 of The London Plan 2021 which deals with similar matters. Neither would there be conflict with DMP Policies DMHB 5, DMHB 6, DMHB 11 or DMHB 12 as far as between them they seek to ensure new development is of a high standard that respects local context and protects features with a positive value, including within Areas of Special Local Character.

Conditions

8. In addition to the standard time limit condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary for the avoidance of doubt and in the interests of proper planning. I have also included a condition to ensure that the works would be carried out in accordance with the submitted AIA and accompanying Tree Protection Plan.

Conclusion

9. For the reasons given above, the appeal is allowed.

John D Allan

INSPECTOR