



Appeal Decision

by J Heppell BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 February 2026

Appeal Ref: 6001276

14 Frays Avenue, West Drayton, Hillingdon UB7 7AF

- 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 Gurmeet Singh against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 38871/APP/2025/1797.
 - The development proposed is described as “demolition of existing detached residential dwelling, attached garage and rear outbuildings followed by construction of a replacement dwelling (C3) with associated external alterations including a new vehicular access and boundary wall to the front elevation”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have simplified the appellant’s description of development to remove elements which are not necessary to describe the proposal.

Main Issues

3. The main issues in this appeal are:
 - the effect of the proposal on the character and appearance of the area;
 - whether the proposal satisfies the requirement for biodiversity net gain (BNG); and
 - the effect of the proposal on on-street parking and the highways network.

Reasons

Character and appearance

4. The appeal site is located within the West Drayton Garden City Area of Special Local Character (ASLC). The supporting text to Policy DMHB 5 of the Local Plan Part 2: Development Management Policies Adopted Version, 16 January 2020 (LPP2) identifies Areas of Special Local Character as non-designated local heritage assets that have a character and identity which local residents value and the Council wishes to preserve or enhance. It explains that ASLCs recognise particularly good examples of more familiar types of development.
5. In respect of non-designated heritage assets, the National Planning Policy Framework (the Framework) requires a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset.

The ASLC's significance derives from its regularity of form, spacious tree lined frontages, and generally long rear gardens. The area is characterised by a mix of houses and bungalows both traditional and modern, with Frays Avenue exhibiting a notable variety of dwellings.

6. The appeal site is one of the older properties in the street, but although its materials and fenestration are expressive of its era, its overall form makes only a moderate contribution to the character and appearance of the ASLC. As such, its demolition would not harm the significance of the asset or conflict with Criterion C of Policy DMHB 5, which protects buildings that positively contribute to the character and local importance of the ASLC. Moreover, its demolition would align with the planning permissions previously granted to demolish and replace dwellings at 16, 20 and 45 Frays Avenue¹.
7. Criterion B of Policy DMHB 5 of the LPP2 relates to extensions and is not relevant, but Criterion A requires new development to reflect the character and original layout of the ASLC. The existing dwelling is notably large in relation to other properties in the street, emphasised by the fact that there are bungalows on either side. Whilst the proposal would respect the building line and overall pattern of the estate, it would be higher than the existing dwelling and would narrow the gap to the adjacent bungalow at No 12, notwithstanding the removal of the existing attached garage. Although the front gable and hipped roof of the proposal would reflect the style of the existing dwelling, the proposed dormer window would emphasise the dwelling's size, notwithstanding that there are dormer windows in nearby dwellings with two floors of accommodation. Overall, the dwelling's massing would be at odds with, and harmful to, the character of the area.
8. The proposed enlargement of the dwelling's footprint rearwards would not be harmful given that the rear portion of the proposed dwelling would step, and its rear elevation would broadly align with the properties on either side. The proposed dwelling's simple architectural detailing and large, single pane windows would not be objectionable given that other recent dwellings in the road exhibit similar characteristics. The use of bricks would not replicate the render which characterises the existing dwelling but, were I minded to allow the appeal, this could be addressed by a planning condition.
9. Taking all the above matters into account, I conclude that the proposal would diminish the significance of the asset and, in so doing, harm the character and appearance of the area, contrary to Policy D3 of the London Plan March 2021 (LP), policies BE1 and HE1 of the Local Plan Part 1: Strategic Policies (Adopted November 2012) (LPP1) and policies DMHB 5, DMHB 11 and DMHB 12 of the LPP2. Together these policies require development to be appropriate to the identity and context of Hillingdon's townscapes and to conserve and enhance Hillingdon's historic landscape. The proposal would conflict with paragraphs 129 and 135 of the Framework, which require proposals to be sympathetic to local character and history, and to maintain an area's setting.

Biodiversity net gain

10. BNG is required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the Act), inserted by the Environment Act 2012. The appellant has stated that the development would be completed by the

¹ LPA Refs 53156/APP/2020/2990, 17012/APP/2020/368 and 24351/APP/2016/1304.

current homeowner, who has been intrinsically involved throughout the entire design process, and on this basis an exemption from BNG is sought by reference to Paragraph 17 of Schedule 7A of the Act.

11. Self-build and custom build proposals qualify for an exemption provided the development consists of no more than 9 dwellings, is on a site that has an area no larger than 0.5ha, and consists exclusively of dwellings that are self-build or custom housebuilding. The proposal satisfies the first two criteria, being less than 9 dwellings and on a site of less than 0.5ha. To satisfy the third criterion, the appellant has offered to be bound by a condition to secure the submission of a BNG metric should a self build exemption not be successfully secured.
12. However, on the basis of the evidence before me, a condition requiring occupation of the dwelling by the person who built it would not meet the tests in paragraph 57 of the Framework. A deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 is therefore required. As I have not been supplied with a completed undertaking, there is no mechanism to secure the development as self-build, and consequently the proposal does not qualify for an exemption from BNG.
13. The appellant has argued that the proposal meets the de minimis exemption which applies to development that does not impact a priority habitat and impacts less than 25sqm of onsite habitat and 5m of linear habitats such as hedgerows. However, in the absence of a completed small sites metric showing the pre-development biodiversity value of the onsite habitat, I have no evidence before me that the de minimis exemption applies. The appellant has suggested that the proposal would provide an opportunity for BNG where soft landscaping would replace the garage and outbuildings which are to be demolished, but again this has not been evidenced.
14. I therefore conclude that the proposal fails to satisfy the requirement for BNG in Schedule 7A of the Town and Country Planning Act 1990, and conflicts with the guidance on habitats and biodiversity contained in the Framework. The proposal would not accord with Policy G6 of the LP, Policy EM7 of the LPP1 and policies DMEI 7 and DMHB 14 of the LPP2, which together aim to secure BNG as part of new development.

On-street parking and the highways network

15. The proposal would retain the existing vehicular access to the site, meaning that there would be no change to visibility splays, and no impact on the existing street parking bays in front of the site. Whilst cycle storage and electric vehicle charging points are not shown, there is ample space for these to be provided, and were I minded to allow the appeal a condition could deal with these matters.
16. I have not been made aware that existing residents of the property are prevented from applying for parking permits, and whilst the proposal is for a larger replacement dwelling, no reasoning has been advanced for preventing future residents from applying for permits. Moreover, the proposal provides an appropriate level of onsite parking in accordance with the Council's standards. I therefore find that the proposal would not give rise to increased parking stress, and would not necessitate a deed of unilateral undertaking under s106 of the Town and Country Planning Act 1990 to prevent future occupiers from applying for parking permits.

17. I conclude that the proposal would not adversely affect on-street parking and the highways network, and would accord with policies T2, T4, T6 and T6.1 of the LP and policies DMT 1, DMT 2, DMT 5 and DMT 6 of the LLP2. Together these policies seek to manage transport impacts, ensure safe vehicular access, provide adequate parking and make provision for cyclists.

Conclusion

18. For the above reasons, the proposal conflicts with the development plan, when read as a whole. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

J Heppell

INSPECTOR