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## Appeal Decisions

Site visit made on 14 September 2020

**by J Hunter BA (Hons) Msc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 October 2020**

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### **Appeal A Ref: APP/R5510/W/20/3254564**

#### **21 & 21a Hatherleigh Road (land at rear), Ruislip HA4 6AZ**

- 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 Hatherleigh Holdings Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 41627/APP/2019/3296, dated 5 October 2019, was refused by notice dated 20 December 2019.
  - The development proposed is described as demolition of existing garages (class B8 storage & distribution) and erection of two storey one bedroom dwelling with associated parking and amenity space provision.
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### **Appeal B Ref: APP/R5510/W/20/3255436**

#### **21 & 21a Hatherleigh Road (land at rear), Ruislip HA4 6AZ**

- 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 Hatherleigh Holdings Ltd against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref, 41627/APP/2020/648 dated 23 February 2020, was refused by notice dated 29 April 2020.
  - The development proposed is described as erection of two storey, 1 bed dwelling with associated parking and amenity space provision, including demolition of existing garages.
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## **Decision**

1. Appeal A is dismissed.
2. Appeal B is allowed and planning permission is granted for the erection of two storey, 1 bed dwelling with associated parking and amenity space provision, including demolition of existing garages at 21 & 21a Hatherleigh Road (land at rear), Ruislip HA4 6AZ in accordance with the terms of application ref: 41627/APP/2020/648 dated 23 February 2020 and the attached schedule of conditions.

## **Application for costs**

3. An application for costs was made by Hatherleigh Holdings Ltd against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

## **Procedural Matter**

4. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed dwelling. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together.
5. In January 2020, the Council adopted the London Borough of Hillingdon, Local Plan Part 2, Development Management Policies (DMP). The policies within this document replace the policies within the Hillingdon Local Plan Part Two 2012, including Policies BE12 and BE19 which were referred to in the original reason for refusal for Appeal A. However, newly adopted policies DMHB 11 and DMHB 12 of the DMP were referred to in the original decision notices for both appeals and have been provided as part of both appeal submissions. The appellant has had the opportunity to comment.

## **Main Issue**

6. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

## **Reasons**

7. The appeal site is located to the rear of Hatherleigh Road and at the end of a short terrace of two storey dwellings on Salcombe Way. The site contains a single storey triple garage and is delineated by a close boarded timber fence of around 2metres high. There is an alleyway between the gable of no 2 Salcombe Way and the site, that provides access to the gardens and garages that are located to the rear of Hatherleigh Road.
8. The surrounding area is characterised by relatively densely developed two storey houses arranged in short terraces of four or in semi detached pairs. Distinctive features of the locality include bay windows, hipped roofs and a relatively limited material palette of red brick, pebble dashed render and pan tiled roofs.
9. Both of the appeals propose the development of a modest two storey detached house with a hipped roof, bay window at ground and first floor and materials that would complement the surrounding area. Both proposals include a off street parking area and garden to the side. The key difference between the two proposals is in the relationship between the proposed dwelling and the adjacent houses. The dwelling proposed in Appeal A would sit forward of building line that is established by the adjacent terrace of houses on Salcombe Way. The dwelling proposed by Appeal B would have a slightly shallower footprint and would consequently fall in line with the established built form.
10. The dwellings would be constructed on land that separates the built form of Salcombe Way with that of Hatherleigh Road. Nonetheless, the site is already enclosed and separated from the gardens associated with the adjacent properties. Therefore, it does not contribute significantly to the character and appearance of the area.
11. The height, scale and finish of the dwelling proposed by Appeal A would be reflective of the character and appearance of the surrounding area however, the positioning of the proposed dwelling would form an uncomfortable juxtapose between the properties on Salcombe Way and the those on

Hatherleigh Road to the north. This is because the front elevation of the dwelling would be set in between the building line set by the gable end of no 21a and that established on Salcombe Way. As a consequence, the Appeal A proposal would fail to accord with character and appearance requirements of Policy BE1 of the Hillingdon Local Plan: Part One- Strategic Policies 2012 (SP) and Policies DMHB 11 and DMHB 12 of the DMP.

12. Appeal B presents a proposal that would represent a continuation of the established form of development in terms of its positioning whilst harmonising with the adjacent properties in terms of scale, height and finish. Accordingly, Appeal B would comply with Policy BE1 of the SP and Policies DMHB 11 and DMHB 12 of the DMP which seek to, amongst other things, ensure high quality design that harmonises with the surrounding area and contributes to the sense of place.

### **Other Matters**

13. I have had regard to a number of third party representations including those related to highway safety, parking and the use of the access alleyway adjacent to the appeal property. The highway authority has not raised an objection and proposal would not result in a net loss of parking. Based on the plans before me, access to the alleyway would not be impeded by the development therefore, I have no substantive evidence that would lead me to an alternative conclusion on these matters.
14. I acknowledge the comments made in relation to the perceived impact of the proposed dwelling on living conditions with particular regard to privacy and outlook. The Council confirms that the proposal would meet the required separation distances to maintain privacy has therefore not raised an objection in this regard.
15. I accept that the new dwelling would be visible from surrounding properties however, given the separation distances involved I do not consider that it would lead to a material loss of daylight, nor would it have an overbearing effect on outlook.
16. Accordingly, none of the matters raised by third parties alter my views on the main issue.

### **Conditions**

17. The Council has not provided a list of suggested conditions as part of their submissions. In line with the guidance contained within the Planning Practise Guide I have formulated a schedule of conditions and given the main parties the opportunity to comment.
18. In the interests of clarity and certainty I have imposed the standard time limit in which the development should be commenced a condition specifying the approved plans. In the interests of character and appearance, I have also imposed a condition in relation to the approval of external materials, boundary treatments and soft and hard landscaping. To ensure highway safety and in line with the consultation response provided by the Highways Authority I will impose conditions in relation to the provision and retentions of appropriate visibility splays and parking.



## **Conclusions**

19. For the reasons given above I conclude that Appeal A should be dismissed. In respect of Appeal B, I conclude the appeal should be allowed.

*J Hunter*

INSPECTOR

### **SCHEDULE OF 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 following approved plans: Site Location Plan, Proposed Plans and M4344/5M.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the new dwelling 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.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include;
  - i) means of enclosure and retaining structures;
  - ii) boundary treatments;
  - iii) vehicle parking layouts;
  - iv) other vehicle and pedestrian access and circulation areas;
  - v) hard surfacing materials;
  - vi) an implementation programme,

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.

- 5) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. M4344/5M for one car to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.