



Appeal Decision

Site visit made on 22 July 2025

by N Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/R5510/W/25/3363649

1 Alpha Road, Hillingdon, Uxbridge UB10 0QP

- 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 Michael Ghatora (Michael Oakes Architects Limited) against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 41903/APP/2024/2570.
- The development proposed is demolition of existing bungalow and erection of 1x 3 bedroom two-storey dwellinghouses and 2x 1 bedroom two-storey dwellinghouses, with associated landscaping and parking provision.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development given on the Council's decision notice and appeal form as the description given on the application form included reference to elements which are not development.

Main Issues

3. The main issues are:

- 1) the effect of the proposed development on the character and appearance of the area,
- 2) the effect of the development on biodiversity, in particular the provision of biodiversity net gain,
- 3) whether the proposed development would provide satisfactory living conditions for the future occupants having particular regard to internal floor-to-ceiling heights, outlook and light,
- 4) whether the proposed development would provide an adaptable dwelling and would be air quality neutral.

Reasons

Character and appearance

4. The site is set within a tightly knit, predominantly residential, suburban area. There are numerous types of homes in the vicinity and these range from late 19th/early 20th century terraces to post war semi-detached homes and examples of modern infill developments. The majority of properties are of a relatively simple form and

are set under hipped or gable-ended pitched roofs. Most homes are two storey buildings and the appeal site is therefore unusual in this regard as it is presently a detached bungalow. The site itself is relatively wide by comparison to its immediate neighbours but remains quite shallow in depth.

5. The proposal comprises a terrace of three homes that would be set under a pitched roof; hipped to one end and a gable to the other. The upper floor would feature overhanging elements to the front of varying depths, some of which are staggered, and windows of varying sizes and arrangement, some of which break through the eaves. At the rear, first floor windows would project out and be set at an angle.
6. The roof form, projecting elements, window positioning, overhangs and general arrangement give the building a discordant appearance. Prominent features such as the overhangs and roof form lack rhythm or detailing. The building fills much of the width of its plot but nevertheless still appears squat under the large roof. The complex front elevation jars notably with the otherwise simple form of homes in the area. The overall impression given is that an excessive amount of built form is being inserted onto a small plot of land and design contrivances, albeit creative, have resulted from this and these do not benefit the character of the area.
7. This having been noted; I do not find the height of the building to be a concern in and of itself. The area in the vicinity is mixed in terms of overall heights. Whilst these are fairly uniform as homes are almost all two storey, there is some variation such that the modest height difference here would not be jarring. I do consider the proposed blue roofing material to be potentially discordant, but the use of this material and precise colour or hue could be controlled through the imposition of a condition on any permission granted.
8. I conclude that the proposal would fail to integrate with its surroundings, appearing as a cramped and confused looking building that would be harmful to the character and appearance of the area. As such, the proposal conflicts with policy BE1 of the Hillingdon Local Plan Part 1 Strategic Policies 2012 (HLPSP), policies DMHB11 and DMHB12 of the Hillingdon Local Plan Part 2 Development Management Policies 2020 (HLPDMP), policy D3 of the London Plan 2021 (LP) and provisions of the National Planning Policy Framework (the Framework). This is insofar as it would not harmonise with the local context.

Biodiversity

9. Biodiversity net gain is required under a statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990 (the TCP Act) (inserted by the Environment Act 2021 (the Environment Act)). Under the statutory framework for biodiversity net gain, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the condition that the biodiversity gain objective is met. For minor development, this applies for proposals submitted after 2 April 2024 and the date on the application form is 24 September 2024.
10. The Planning Practice Guidance (PPG) advises that the biodiversity gain condition does not apply to, *inter alia*, development subject to the de minimis exemption. For the de minimis exemption, the development must not impact on any priority habitat and if there is an impact on other on-site habitat, that impact must be on less than 25 square metres and on less than 5 metres of linear habitat. On-site habitat is

impacted if it is lost or degraded such that there is a decrease in the biodiversity value of that habitat.

11. The PPG is also clear that it is for the appellant to demonstrate that the on-site habitat would be less than 25 square metres and should provide sufficient evidence to support their justification. Although the application form suggests that the proposal would be below the threshold, I do not have any compelling evidence that the extent of the tree and landscaping removal is less than 25 square metres. From the submitted plans the proposed development would appear to exceed this threshold.
12. Therefore, I cannot be certain that the development would fall within the de minimis exemption and would not require biodiversity net gain to be provided. If it is clear the development proposal is not exempt, the pre-development biodiversity value needs to be provided as part of the application as a bare minimum, and it would not be appropriate to secure this through a condition. Whilst the urban greening provision offered is not unrelated, it remains a different issue to biodiversity net gain.
13. The proposal thus conflicts with policy EM7 of the HLPSP, policy DMEI7 of the HLPDMP, policy G6 of the LP in that the proposal does not secure biodiversity net gain. This is further contrary to Schedules 7A and 14 of the TCP Act and the Environment Act respectively.

Living conditions

14. Policy D6 of the LP sets out that there should be a minimum floor to ceiling height of 2.5 metres across 75% of a dwelling. The reason for this policy is in order to allow daylight penetration, ventilation and cooling and is particularly directed at flatted accommodation. In this instance, the proposed dwellings are two storey homes and benefit from a relatively shallow depth and are dual aspect on the ground floor thus easily offering cross-ventilation. The floor to ceiling height would be in accordance with the Nationally Described Space Standards (NDSS) and therefore, given the other design features of the proposed dwellings, this would be satisfactory.
15. Outlook from windows would be constrained by the positioning of windows to first floor bedrooms. The windows to the front of the one bedroom homes would be curtailed by the arrangement of the windows and screens. Even so, these offer two openings to these rooms and I am satisfied that these would offer sufficient light. The outlook would be limited but the occupants would still have vantage outdoors which offers a limited, but nevertheless satisfactory, outlook.
16. The rear facing bedrooms to the three bedroom house would have their windows set at an angle. However, this angles the windows towards the east and therefore would allow them to receive morning sunshine from an otherwise predominantly north facing elevation. As such, I conclude that these windows would offer reasonable light and outlook.
17. Therefore, I conclude that the proposed dwellings would offer an acceptable standard of living accommodation for the future occupants and would accord with policies DMHB11 and DMHB16 of the HLPDMP and policy D6 of the LP.

Adaptability and air quality

18. The submitted plans indicate that the dwellings would or could be made accessible and this can be secured by way of condition were permission to be granted. There are numerous sustainable features which include solar panels, air source heat pumps and electric vehicle charging points. I am therefore satisfied that with suitable conditions, the development can be secured as being air quality neutral. The proposal therefore can comply with policy EM8 of the HLPSP, policy DMEI14 of the HLPDMP and policy D7 of the LP.

Planning Balance and Conclusion

19. The Council states it can demonstrate a five year supply of deliverable housing land and this position has not been challenged by the appellant. As such the provisions of paragraph 11 d) of the Framework are not engaged. Even so, I recognise the benefits of providing three (net two) new dwellings of which one is family sized accommodation and two are smaller dwellings. My conclusions have also established that the occupants would have satisfactory living conditions and that the development could be made accessible and air quality neutral with conditions. I have also considered that the site is in a sustainable location, there would not be an adverse effect on neighbours living conditions and there would be suitable vehicle and pedestrian access to the properties. However, these, along with other neutral considerations weigh neither for, nor against, the proposal.
20. Even so, by reason of its design and appearance, the proposed development would be harmful to the character of the area and that there is insufficient detail to be able to secure biodiversity net gain. As such, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
21. For the reasons given above the appeal should be dismissed.

N Bowden

INSPECTOR