



## Appeal Decision

Site visit made on 18 August 2025 by Kim Vo MPLAN

**Decision by John Morrison BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23<sup>rd</sup> September 2025

**Appeal Ref: APP/R5510/D/25/3367843**

**61 Farmlands, Eastcote, Hillingdon HA5 2LN**

- 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. and Mrs. Ravindran against the decision of the Council of the London Borough of Hillingdon.
- The application Ref is 48640/APP/2025/785.
- The development proposed is described as the “creation of crossover to front garden”.

### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The main issues are the effect of the proposed development on a) the character and appearance of the area; b) highway safety; and c) whether it would make appropriate provision for Biodiversity Net Gain.

### Reasons for the Recommendation

#### *Character and Appearance*

4. The appeal site is located within a residential area, fronted by a short public footpath that connects Joel Street and Farmlands. Along its side, the site is bordered by a continuous grass verge that is lined with mature trees and hedgerow, adjacent to Joel Street. This band of soft landscaping creates a verdant and attractive street scene which adds a high quality natural feature that contributes positively to the character and appearance of the area.
5. The turf mesh material for the vehicular crossover and the parking and turning area is intended to retain a green and grassed appearance. Despite this, the proposed surfacing material would introduce an artificial texture which would be publicly visible from the grass verge. This would appear as a discordant feature which would disrupt the continuity of the established soft landscaping along Joel Street.
6. The submitted Arboricultural Impact Assessment and Method Statement details that the two trees flanking the proposed crossover would be retained. Protective fencing will be installed during the construction stage, and a specialist surfacing

treatment is proposed to the Root Protection Areas (RPAs). Whilst the construction process itself may not pose immediate harm; I cannot be satisfied that the frequent passage of vehicles over the RPAs would not lead to soil compaction over time. Such compaction could disrupt and damage the root systems and ultimately compromise the health of both trees in the future. As they form an important part of the established rhythm and continuity of the tree line along Joel Street, their loss would be unacceptably detrimental to the character and appearance of the area.

7. The proposal would therefore be contrary to Policy BE 1 of the Local Plan Part 1 – Strategic Policies 2012 (LPP1); Policies DMHD 1, DMHB 11, DMHB 12 and DMHB 14 of the Local Plan Part 2 – Development Management Policies 2020 (LPP2); Policy G7 of the London Plan (LP); and the National Planning Policy Framework 2024 (Framework). Together, and amongst other things, these seek for new developments to harmonise with the local context, ensuring suitable landscaping treatments and for existing trees and landscaping features to be retained.

#### *Highway Safety*

8. The plans indicate that the proposed turning area would allow for a single vehicle to manoeuvre and exit the site in forward gear. However, this would rely on only one vehicle being owned and parked at the property all the time. There is potential for additional vehicles to be owned and parked on site in the future. In such circumstances, the available turning space would be insufficient to enable forward egress. This would result in vehicles having to either reverse in or out of the access. For the former, a car would have to stop in a live carriageway and impede the free flow of traffic. For the latter, such a manoeuvre would bring with it the added difficulty of restricted visibility for the exiting driver, increasing the risk of conflict with pedestrians, cyclists or other vehicles.
9. Whilst the appellant may currently own only one car, there are no mechanisms to control future ownership of additional vehicles. The appeal property may also be sold in future to new occupants who may have multiple vehicles. Consequently, the proposal would result in harm to highway safety, contrary to Policy DMT 2 of the LPP2 and Policy T4 of the LP. These require, amongst other things, development proposals to provide safe and efficient vehicular access to the highway network, where road danger should not be increased. The Framework also states that planning permission should be refused if there is an unacceptable impact on highway safety.

#### *Biodiversity Net Gain (BNG)*

10. The application form states that the scheme would be exempt from BNG requirements, as it would be de-minimis (development below the threshold). The appellant also confirms they would be willing to provide information in relation to BNG as part of a condition. Be this as it may, there is currently no evidence to show what the current baseline situation or habitat value of the site is and whether any on-site habitat exceeding 25 square metres would be impacted. Moreover, such a condition would not be appropriate, following the precautionary principle, as a grant of planning permission may then affect the very things that a BNG assessment, before understanding what a gain would be, would need to consider.
11. Therefore, it has not been sufficiently demonstrated that the proposal would be exempt from meeting BNG requirements. As such, the appeal would fail to meet the statutory duty for BNG as set out under Schedule 7A of the Town and Country

Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). It would therefore be contrary to Policy EM7 of the LPP1; Policy DMEI 7 and DMHB 14 of the LPP2; and Policy G6 of the LP. These require, amongst other things, development proposals to manage the impacts on biodiversity and aim to secure net gain.

### **Other Matters**

12. The appellant has a blue badge for disabled parking and has mobility limitations which requires a short distance to access their property. I have had regard to the Public Sector Equality Duty (PSED) set out under Section 149 of the Equality Act 2010. Disability is a protected characteristic thereunder. These rights are engaged in reaching my recommendation and I have kept these interests at the forefront of my mind. They are qualified rights, and interference may be justified in the public interest. Proportionality is a factor.
13. Vehicle access via Farmlands to the rear had previously existed, allowing the appellant to park within their rear garden. However, the land to the rear has since been sold in relation to a planning approval for new dwellings. This area is now gated and there is no current access via Farmlands to the rear. The proposal would facilitate a new access and parking area, meeting the appellant's access and mobility requirements. Given this loss, and there being no current vehicle parking/access to the property, I attach significant weight to the benefits the development would afford the appellant in their situation.
14. On-street parking is possible along the nearby streets of Farmlands. Whilst parking within this area would require walking, there is no compelling reason as to why the appellant cannot park and walk from this location. Additionally, no details have been submitted regarding the planning approval for the new adjacent dwellings, to confirm whether the rear access would no longer persist. As such, there is no sufficiently conclusive evidence to demonstrate that alternative measures have not been explored to their fullest extent and that the appeal scheme is the only way for the appellant to access their property by vehicle. I am also mindful that personal circumstances and ownership of the land can change, but the effect of the development would be permanent.
15. The proposal would, amongst other things, give rise to an unacceptable effect on the safe use of the public highway. As a safety issue that could directly affect life, I afford this the greater weight in the above circumstances. Accordingly, the harm caused by the proposed development would outweigh the benefits in terms of eliminating discrimination against a person with the protected characteristics of a disability. I therefore conclude that the impact of dismissing this appeal would be proportionate and justified.
16. The matter of the appellant being unable to charge their plug-in hybrid vehicle on site is not sufficiently determinative in my consideration of this appeal. Alternative chargers at publicly accessible sites are also available.

### **Conclusion and Recommendation**

17. For the reasons given above, the appeal proposal would conflict with the development plan and material considerations do not indicate a decision other than in accordance therewith. I therefore recommend that the appeal should be dismissed.

*Kim Vo*

APPEAL PLANNING OFFICER

**Inspector's Decision**

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

*John Morrison*

INSPECTOR