
Appeal Decision

Site visit made on 10 July 2018

by Alex Hutson MATP CMLI MArborA

an Inspector appointed by the Secretary of State

Decision date: 14 August 2018

Appeal Ref: APP/R5510/W/18/3195627
52 Field End Road, Ruislip HA5 2QN

- 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 Mr Neil Richardson against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 4913/APP/2016/4358, dated 30 November 2016, was refused by notice dated 11 September 2017.
 - The development proposed is "Conversion of, and extension to, existing 4-bedroom dwelling into 2 new dwellings; and construction of new 3-bedroom dwelling".
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appellant has submitted two revised plan options as part of the appeal relating to the proposed parking arrangement in an attempt to overcome the Council's concerns in respect of neighbour living conditions. However, the amendments are materially different in that both revised plans propose tandem parking rather than parking side by side and for the proposed parking spaces to be located within a different part of the site to those originally proposed.
3. Having regard to the 'Wheatcroft Principles' it would therefore be unreasonable for me to accept these revised plans given that it may deprive the consultees of the original proposal the opportunity to provide representations on them. In addition, the Council has not provided an assessment of the merits or otherwise of the revised plan options. I cannot therefore be certain that it has seen them and has had an adequate opportunity to comment on them. Moreover, to provide two revised plan options creates some difficulty and confusion were both to be considered acceptable and I was minded to allow the appeal for other reasons given that it would not be reasonable to include both in any plans condition.
4. Furthermore, the Procedural Guide for Planning Appeals – England dated 31 July 2015, in Annexe M paragraph M.1.1, sets out that a fresh planning application should normally be made if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal. My determination of this appeal is therefore based on the plans submitted with the original application.

5. The Government published the revised National Planning Policy Framework (revised Framework) on 24 July 2018. I have considered the appeal on this basis and I am satisfied that the main parties have been given the opportunity to comment on this matter.

Main issues

6. The main issues are:

- The effect of the proposal on the living conditions of the occupiers of 54 Field End Road with particular regard to noise and disturbance;
- The effect of the proposal on the character and appearance of the area; and
- The effect of the proposal on the setting of the Tudor Lodge Hotel, 50 Field End Road, (previously known as Field End Lodge), a Grade II listed building.

Reasons

Living conditions

7. The appeal property, 52 Field End Road, is a Victorian, two storey, semi-detached dwelling with a rear garden of a generous size and length. The adjoining dwelling, No 54, has a smaller sized rear garden of a modest length which sides and partially backs onto the rear garden of No 52 as well as the rear gardens of some other properties. There is a reasonable degree of separation between the rear garden of No 54 and any garages or car parking spaces associated with nearby buildings. The occupiers of No 54 are therefore likely to enjoy a reasonable level of tranquillity when using their rear garden given the lack of any significant noise sources near to it. The same can be said for the rear rooms of this property.
8. The proposal seeks to extend No 52 and to convert it to two new dwellings. In addition, it seeks to erect a new two-storey dwelling to the rear of No 52 with associated parking for two vehicles and to remove an adjoining garage building to provide vehicular access to it.
9. The proposed parking spaces would be sited adjacent to the rear boundary fence of No 54. This would generate vehicle movements and vehicle manoeuvring in close proximity to it that would considerably increase the level of noise experienced by the occupiers of No 54 when using their rear garden. It would also be likely to increase noise levels by a marked degree to any rear facing rooms within No 54, particularly during the summer months when doors and windows are more likely to be open for ventilation. I also share the Council's concern that the parking of vehicles in this location, given the orientation of the parking spaces, would be likely to result in headlight glare into some of the rear facing windows of No 54. This would unduly disturb the occupiers of this property, particularly when late in the evening or during the night.
10. The proposal would therefore result in an unacceptable level of noise and disturbance for the occupiers of No 54. This would give rise to considerable harm to their living conditions and would substantially reduce their enjoyment of their home and garden.
11. The appellant suggests that he could create the proposed parking and access to it under permitted development rights. However, it is not my role in an appeal

under section 78 of the Town and Country Planning Act 1990 to determine whether or not planning permission is required for one element of scheme. Moreover, even if the appellant is correct in this regard, there is no strong evidence to demonstrate that that he intends exercise any such rights.

12. The proposal would therefore be contrary to saved Policies BE19, BE21 and OE1 of the London Borough of Hillingdon Unitary Development Plan 1998 (UDP). These policies require, amongst other things, development to respect residential amenity. They are consistent with the aims and objectives of the revised Framework which seek to secure that development creates places with a high standard of amenity for existing users.
13. The proposal would also conflict with the guidance of the Council's Design and Accessibility Statement Supplementary Planning Document- Residential Layouts 2006, which advises that development should respect residential amenity.

Character and appearance

14. The wider area is predominantly residential in character, though the Tudor Lodge Hotel and its car park lie to the immediate east of the appeal site and an associated hotel annexe lies to the immediate north. Dwellings display a variety of forms and architectural styles and there is little consistency in their plot sizes, with No 52 occupying one of the largest in the area.
15. The Council raises no concerns in respect of the extension and conversion element of the proposal. This would be undertaken with little noticeable change and therefore in a manner sympathetic to the character and appearance of No 52 and the area.
16. The introduction of a dwelling to the rear of No 52 would, to some degree, reduce the open qualities of the existing rear garden area. The subdivision of the plot would introduce an element of finer grain. Nonetheless, the resulting plot sizes for each proposed dwelling would be appropriate in a context where there is no regular or strongly defined pattern of gardens. In addition, the existing hotel annexe building, which is two storeys in height, has introduced an apparent element of backland development into the locality. The proposed dwelling to the rear of No 52 would be seen in the context of this. In addition, it has been designed to complement the appearance of No 52. Any associated hard standing would in part replace an existing garage building and a garden shed and would not be particularly noticeable from outside the appeal site. Having regard to these factors, the proposed dwelling to the rear of No 52 would not appear cramped or out of keeping with the prevailing pattern of development in the area.
17. There are some trees within the grounds of the Tudor Lodge Hotel which are growing along the eastern boundary of the appeal site. These provide a verdant quality to the area. The Council raises the concern that these would be damaged or would have to be removed as a result of the proposal. Nonetheless, a detailed arboricultural report has been submitted detailing how these trees would be protected, including in respect of specialist construction methods for the new vehicular access to avoid damage to roots. I note that the Council's Principal Landscape Architect considers the report to be acceptable. It is unclear to me and it has not been substantiated in the Council's evidence as to why it takes a different view. On this basis, I have no

compelling reasons to find that the proposal would have any detrimental impacts on these trees or that they could not be retained in the long term.

18. In light of the above, I conclude that the proposal, overall, would not give rise to any material harm to the character and appearance of the area. It would therefore comply with saved Policies BE4, BE13 and BE19 of the UDP and Policy BE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (Local Plan). These policies require, amongst other things, development to improve and maintain the quality of the built environment, to be appropriate to the context of the Borough's townscapes, not to result in the inappropriate development of gardens, to harmonise with the existing streetscene and to complement the character of an area. They are consistent with the aims and objectives of the revised Framework which seek to ensure that developments are sympathetic to local character.
19. It would also comply with Policies 3.5, 7.1, 7.4 and 7.6 of the London Plan 2016. These policies require, amongst other things, development to relate to and to be appropriate to its context and wider environment, to reinforce or enhance the character of an area and to have regard to the form, function and structure of an area.
20. The Council cites conflict with saved Policy BE4 of the UDP. However this policy relates to development within or on the fringes of conservation areas (CAs). No 52 is not within a CA. Given the considerable degree of separation from and intervening built form between No 52 and both the Eastcote Park Estate CA and the Eastcote Village CA, nor can it reasonably be said to be within the fringes of one. Therefore, this policy is not of relevance to the appeal.

Listed building

21. The Tudor Lodge Hotel is a Grade II listed building. The listing description describes it as an L-shaped timber frame and plaster building dating from the 16th century with the L-shape filled in by a 17th century brick rectangular addition. It also notes that the building is subject to some modern additions.
22. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting. Paragraph 193 of the revised Framework requires that, when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 of the revised Framework sets out that any harm to, or loss of, the significance of a designated heritage asset, including from development within its setting, should require clear and convincing justification.
23. The Council suggests that part of the setting of the listed building is derived from its spacious, landscaped grounds and that the garden of No 52 provides a continuation of this which further contributes to its setting. However, whilst there is some perimeter planting, a large proportion of the grounds of the Tudor Lodge Hotel comprise extensive areas of hardstanding for car parking, including between the listed building and the appeal site, and large outbuildings/annexes. This already has some effect on the spatial and landscaped setting that the listed building might once have exhibited and detracts somewhat from its significance. Moreover, the Tudor Lodge Hotel is

already seen, in views from along Field End Road, in the context of its surrounding urban environment, including associated 2 storey outbuildings within its grounds, No 52 and residential development along The Sigers. The importance of the undeveloped rear garden of No 52 to the setting of the Tudor Lodge Hotel is thus diminished considerably having regard to these factors and it contributes little to the significance of the listed building.

24. As previously mentioned, I have no compelling grounds on which to find that the proposal would affect any perimeter planting along the boundary with the appeal site. This planting would provide some screening and softening of the proposed dwelling to the rear of No 52 when viewed from along Field End Road. Furthermore, this proposed dwelling would maintain a generous degree of separation from the Tudor Lodge Hotel and would be seen within the context of one of its large annexe buildings and other surrounding development. It would also maintain a generous degree of separation from No 52. Given this, the proposal would not have a detrimental effect on any important views of the Tudor Lodge Hotel, would not detract from or visually compete with it to a material degree and would not impact on its overall appreciation. Nor would it materially affect any landscape features of importance or provide any additional harmful degree of enclosure to the listed building. In addition, I have found no harm to the general character and appearance of the area.
25. In light of my reasoning, I conclude that the proposal would preserve the setting of the Grade II listed building and would not have a harmful effect on the significance of this designated heritage asset. It would therefore comply with the requirements of the Act and would not conflict with the aims and objectives of Paragraphs 193 and 194 of the Framework. It would also comply with saved Policy BE10 of the UDP, which requires development not to be detrimental to the setting of a listed building.

Other matters

26. The proposal would make a contribution, albeit a limited one, to housing supply in the Borough. Each dwelling would occupy a location with a reasonable level of access to local services and facilities for any future occupiers. In addition, they would utilise sustainable building techniques and would demonstrate a high level of energy efficiency. These matters weigh modestly in favour of the proposal. However, they would be insufficient to outweigh the harm that would arise to the living conditions of the occupiers of No 54.

Conclusion

27. Whilst I have found no harm to the character and appearance of the area and to the setting of the Tudor Lodge Hotel Grade II listed building, I have found harm to the living conditions of the occupiers of No 54. Such harm would be significant and would not be outweighed by any benefits. Consequently, for the reasons set out above and having regard to all other matters, including privacy, outlook, air pollution, security, setting of conservation areas and traffic, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR