



## Appeal Decision

Site visit made on 5 July 2023

**by C Billings BA (Hons), DipTP, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 August 2023

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**Appeal Ref: APP/R5510/W/23/3314225**

**71 Thornhill Road, Ickenham, Hillingdon, UB10 8SH**

- 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 Miss Sharma against the decision of the London Borough of Hillingdon.
  - The application Ref 64731/APP/2022/2744, dated 1 September 2022, was refused by notice dated 28 October 2022.
  - The development proposed is a replacement dwelling.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The appellant's statement of case from section 4 onwards refers to a different site that is not the appeal site. It makes several references to Parkfield Road, including appeals at 2, 54, 58 Parkfield Road and sets out that the neighbours of the appeal site are Nos 27 and 31 Parkfield Road. The immediate neighbours to the side of the appeal site are Nos 69 and 73 Thornhill Road. I therefore have not had regard to matters referencing Parkfield Road in making my decision, because it is not the surrounding area of the proposed development and so is not relevant to the appeal proposal.
3. In the appellant's statement of case reference is made to a streetscene drawing and detailed landscaping scheme, yet no such plans or details have been provided. Reference is also made to supplementary planning documents, but none were referred to in the reason for refusal nor have details of these been provided. Therefore, I cannot take these details or documents into account in making my decision.
4. The appellant's statement also advises that the Council has raised no concerns in relation to parking, impact on amenities of neighbours, flood risk or landscaping matters and therefore these matters are agreed common ground. Having regard to the reasons for refusal and the Council's statement of case, I disagree and consider the main issues for this appeal are as set out below.
5. The appellant refers to the 2019 version of the National Planning Policy Framework (the Framework). To clarify, I have had regard to the most recent version of the Framework (2021) in making my decision.

## **Main Issues**

6. The main issues are:
- whether the proposed development would effect the character and appearance of the area,
  - whether the proposed development would effect the living conditions of adjacent neighbours in relation to outlook, and,
  - the effect of the development on flood risk.

## **Reasons**

7. The appeal property lies within a residential area and comprises an existing modest-sized, detached, pitched roof bungalow, with attached flat roof garage. The bungalow is set back from the road, in line with its' neighbours, with a lawn and driveway area to the front. There is hedge and shrub planting along the front boundary and to the side boundary shared with No 73 Thornhill Road (No 73).
8. To the rear there is a lawned garden area with hedges and trees along and beyond the rear boundary of the property. Some of the trees on the rear boundary and in the rear garden of No 73 are preserved trees, subject to a TPO. The River Pinn lies to the rear of the site and much of the appeal property is located within Flood Zone 3b, with part of the property within the functional floodplain of the River Pinn. Also, part of the appeal property is within Flood Zone 2.

### **Character and appearance**

9. The character of the surrounding area is typified by detached residential properties within large plots, set back from the road. There are a number of street trees and significant front garden vegetation, which gives the area a leafy spacious feel. There are a mix of bungalows and 2-storey properties in this part of Thornhill Road, although to either side of the appeal property are 2-storey detached houses. Generally, properties in the road are of individual design and character, with a mix of materials and pitched roof designs evident.
10. I observed that a number of properties along the road have been altered or extended and that some properties were having works undertaken at the time of my visit. In particular, I noted that No 73 extension works were significantly advanced, with its 2 storey side extensions and rear extension nearing completion. The new main rear elevation of No 73 is set in from the existing rear elevation of the bungalow at the appeal site.
11. Whilst the extensions to No 73 are large, the extended property sits comfortably within the street scene, due to its maintained set back from the road and hipped roof design, that reduces its bulk and reflects the design and form of other surrounding properties in the area.
12. The proposed dwelling, in comparison, would include two front gables and bring forward the front elevation of the property beyond its existing and the neighbouring front building line. The proposal would therefore appear prominent in the street scene when compared to its immediate neighbours. Furthermore, the proposed main roof, which includes a bedroom in the roof with dormer to the rear and main crown roof design, would result in an overly large bulky roof, which would appear unduly prominent in the street scene, due

to its scale, massing, and position. This is not comparable to the roof design of the extended No 73 or other properties in the immediate area.

13. The proposed dwelling would also extend at 2 storey height closer to the side boundaries and appear much taller than the existing bungalow. This, together with other elements of the proposal, including the projection forward of the front of the building line; the gable front roof elements; and overall scale and mass of the proposed dwelling, would result in an incongruous and overly dominant feature within the street scene. This would be detrimental to the character and appearance of the area.
14. In view of the above, the proposal would conflict with Policy D3 of the London Plan (2021), Policies BE1 of Part 1, and DMHB 11 and DMHB 12 of Part 2 of the London Borough of Hillingdon Local Plan (LBHLP) (2020), which require development to respond to local character and enhance the local context. Furthermore, the proposal would not comply with the guidance within chapter 12 of the Framework, as it would not be sympathetic to the local character nor add to the overall quality of the area.

#### Living conditions

15. In respect of effect on the living conditions of neighbouring dwellings. I note that the extended No 73 is set in further than the existing rear elevation of the bungalow within the appeal site. Consequently, the proposed dwelling which would be set closer to the side boundary and extend further to the rear than the existing bungalow, would have an impact on this neighbouring property. In observing the position of windows in the rear and side of the extended No 73 and having regard to the bulk, position, and massing of the proposed dwelling, I find that the proposal would have a dominant and visually intrusive effect on the living conditions of the occupiers on No 73.
16. In respect of the neighbouring property to the northern direction of the appeal property (No 69). The proposal would project both forward of the front elevation and be set back further than the rear elevation of No 69. Also, the 2-storey element of the proposed dwelling would be close to the side boundary of No 69. As a result, due to the scale and proximity of the proposal, it would have an overbearing and visually intrusive impact, likely to cause material harm to the occupants' residential enjoyment of No 69.
17. In view of the above, the proposals would have a adverse effect on the living conditions of adjacent neighbours, in relation to overbearing impact and visual intrusion and would therefore conflict with Policy D3 of the London Plan and Policies BE1 of part 1 and DMHB 11 of part 2 of the LBHLP, which seek to ensure development proposals do not adversely impact on the amenity of adjacent properties and require development to deliver appropriate outlook, privacy and amenity.

#### Flood risk

18. In regard to flood risk, the Framework advises inappropriate development should be avoided in areas at risk of flooding. The appeal site lies partly within Flood Zone 3b, which is functional floodplain with the highest probability of flooding. The proposal for a new dwelling is classed as more vulnerable in the PPG flood risk tables and therefore should not be permitted. The planning application included a Flood Risk Assessment, although the Environment

Agency (EA) objected to the proposals, as the proposals lie within Flood Zone 3b. It is further noted by the EA that this objection could not be overcome unless at least no additional footprint would be proposed within the Flood Zone.

19. The sequential test approach of the Framework, as clarified in the PPG at paragraph 23, is explicit in that the sequential test means avoiding as far as possible development in current and future medium and high-risk flood areas. Even where flood risk assessments show the development can be made safe throughout its lifetime; as put forward in the appellants Flood Risk Assessment, it is still necessary that the sequential test is applied and satisfied.
20. No further evidence has been provided by the appellant in relation to the justification of the vulnerability of the proposal in terms of flooding and harm to flood risk. The sequential test has therefore not been satisfied.
21. Having regard to the conclusion above, the proposal is highly likely to have an adverse effect on flood risk. Consequently, the proposal would conflict with Policy SI 12 of the London Plan, Policies EM6 of Part 1 and DMEI 9 of part 2 of the LBHLP, that seek amongst other things to ensure that development proposals minimise and mitigate flood risk and that it will not increase the risk of flooding elsewhere.

### **Other Matters**

22. I have been referred to a number of other planning permissions and appeal decisions and these have been cited as setting a precedent for the appeal proposal. However, I have limited information about their histories, but inevitably their contexts would differ to that of the scheme before me, and so they do not lead me to a different view in this case.
23. The appellant has argued that by virtue of the timeline of events and correspondence from the pre-application stage to the formal refusal, there has been inconsistent assessment and advice offered by the Council. They further note that the objection of the Council is based on subjective officer opinion, rather than an objective assessment having been made against the relevant planning policies and guidance, as well as any material appeal decisions.
24. I have assessed the evidence provided and as concluded, I find harm in relation to the three main issues, including the effect on that character and appearance of the area, effect on the living conditions of neighbours and flood risk. The proposals therefore do not meet the requirements of development plan or national planning policy guidance and there are no other material considerations that indicate otherwise. As such, there is no substantive evidence to support the assertion that there has been an inconsistency of approach and non-objective assessment by the Council.

### **Conclusion**

25. For the reasons given above I conclude that the appeal should be dismissed.

*C Billings*

INSPECTOR