
Appeal Decision

Site visit made on 11 July 2016

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th August 2016

Appeal Ref: APP/R5510/W/16/3148219

27A & 27B, Daleham Drive, Hillingdon, Middlesex UB8 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Seamus Murphy against the Council of the London Borough of Hillingdon.
 - The application Ref 67783/APP/2015/4003 is dated 23 October 2015.
 - The development proposed is 2 semi-detached dwellinghouses.
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Decision

1. The appeal is allowed and planning permission is granted for 2 semi-detached dwelling houses at 27A & 27B, Daleham Drive, Hillingdon, Middlesex UB8 3HW in accordance with the terms of the application, Ref 67783/APP/2015/4003, dated 23 October 2015, subject to the conditions set out in the Schedule attached to this decision.

Background and main issues

2. The proposal seeks consent for plans for a semi-detached pair of houses that have already been constructed and are occupied. The Council has provided reasons for refusal had it the opportunity to determine the application. These refer to the gable end roof design adding unacceptable bulk, the centrally located front entrances, external materials, finishes and fenestration being visually at odds with the established local character and the forecourt area to the dwellings resulting in a scheme dominated by hard surfacing and increasing the level of runoff.
3. As a consequence, the main issues in this case are the effects of the development on the character and appearance of the area and on surface water drainage.

Reasons

Character and appearance

4. The appeal site is at the end of a short cul-de-sac branching off an estate of uniformly designed, semi-detached housing built to a regular arrangement and with hipped roofs. The exception to these houses is the two pairs of semi-detached bungalows opposite the site entrance.
 5. The Council has granted permission for a pair of semi-detached houses on this site and considers these designs reflect the character of the existing housing in
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this estate. The houses built are in a similar position to those approved and are of a comparable scale, with a similar eaves level and lower roof height. However, the Council considers the gabled roof form of the built scheme adds unacceptably to its bulk and that this, along with the choice of materials, door positions and fenestration, is out of keeping with the local character reflected by the approved scheme.

6. The site appears to have been created from back garden land originally belonging to housing along Dickens Avenue to the south west. The appeal site is situated such that the two houses do not follow the same arrangement of housing in Daleham Drive and the development does not read visually as a closely confined infill development. Each side of the site is bounded by tall vegetation and the houses are sited obliquely at the end of the cul-de-sac which curves to partially screen views from further away.
7. The National Planning Policy Framework (the Framework) includes core principles that planning decisions always seek to secure high quality design and Part 7 reflects the great importance Government attaches to this, requiring permission to be refused for development that fails to take the opportunities available for improving the character and quality of an area. The Council's policies for seeking good quality design are entirely consistent with the Framework.
8. However, whilst the approved plans for this site more closely reflect some of the characteristics of the surrounding housing, this scheme must be assessed on its own merits. The Framework does caution against design demands being overly prescriptive through unsubstantiated requirements to conform to certain development forms or styles. In the case of this development, whilst of an unremarkable appearance, it is not of an intrinsically poor design. The gabled roof design does not result in an overly bulky appearance. Whilst different to the pattern to housing nearby, the central door positions and fenestration are well-balanced and provide this scheme with an acceptable front elevation.
9. The relationship of the dwellings to those surrounding allows some variety to occur, including in the choice of materials, without resulting in material harm and they are sufficiently set apart from the nearby frontage housing along Daleham Drive not to appear in stark contrast. Whilst the wide area of hard surfaced parking space to the front of the houses does appear out of character the proposal includes a plan for additional landscaping. Re-configuring the parking spaces to introduce some landscaping would soften the currently harsh appearance of this front area.
10. Subject to the additional hard and soft landscaping to the forecourt the pair of semi-detached houses would not cause material harm to the character and appearance of this area. Therefore, this proposal satisfies the requirements of the Framework in respect of requiring good design and meets the aims of Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (November 2012), Policies OE8, BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two Saved UDP Policies (November 2012), Policies 3.5, 5.13 and 7.4 of the London Plan (2015) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

Surface water drainage

11. The Council has provided no evidence over the effect of the development on surface water run-off rates. However, the requirement for the forecourt to be re-landscaped offers the opportunity for the drainage of this area to be considered further through the detailed measures that are required to be implemented.

Other Matters

12. I have considered the representations made by interested parties at the application and appeal stage. Much of the concern expressed relates to the development having been carried out contrary to the approved plans which is fully appreciated. However, the scale of these dwellings, and their degree of separation from surrounding homes, is such that this development does not result in material harm to the living conditions of neighbouring occupiers due to either loss of privacy or of light.

Conditions

13. The conditions suggested by the Council have been considered. The materials used in the development are however deemed to be acceptable. A condition is necessary in the interests of certainty which specifies the plans for which approval is granted.
14. The purpose of the second condition is to require the appellant to comply with a strict timetable for dealing with the hard and soft landscaping which needs to be addressed in order to make the development acceptable. The condition is drafted in this form because, unlike an application for planning permission for development yet to commence, in the case of a retrospective grant of permission it is not possible to use a negatively worded condition precedent to secure the subsequent approval and implementation of the required landscaping because the development has already taken place.
15. The second condition therefore provides for the loss of the effective benefit of the grant of planning permission where the landscaping requirements in question are not submitted for approval during the time set by the condition, approved (either by the local planning authority or by the Secretary of State on appeal), and then implemented in accordance with an approved timetable. Should the requirements of the condition not be met in line with the strict timetable, then the planning permission falls away.

Conclusions

16. For the reasons set out, having taken into account all other matters raised, I conclude that this appeal should be allowed.

Jonathan Price

INSPECTOR

**Schedule of Conditions to Appeal Ref: APP/R5510/W/16/3148219
relating to 2 semi-detached dwellinghouses at 27A & 27B, Daleham Drive,
Hillingdon, Middlesex UB8 3HW**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: CL/15/213/PSP/REVA, CL/15/213/ED/REVA, CL/15/213/LRD, CL/15/213/GFFD, PO8/06/1001 Location Plan.
- 2) The 2 semi-detached dwelling houses hereby permitted shall be demolished to ground level and all materials resulting from the demolition shall be removed within 60 days of the date of failure to meet any one of the requirements set out in i) to iv) below:
 - i) Within 3 months of the date of this decision a scheme for hard and soft landscaping in accordance with plan reference CL/15/213/PSP/REVA shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
 - ii) If within 11 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
 - iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
 - iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the completion of the development; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

---End of conditions---