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# Appeal Decision

Site visit made on 30 October 2024

**by A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 November 2024

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**Appeal Ref: APP/R5510/W/24/3345366**

**Grass verge adjacent to 19 Rutters Close, West Drayton UB7 9AL**

- 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 Bhupinder Padda of SK Design Consultants against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref is 78370/APP/2024/280.
  - The development proposed is the erection of a two bedroom single storey dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. I have used the Council's description of development as this more concisely describes the proposal. This does not change the development subject of the appeal. I have also used the site address used in the Council's decision notice, as this more accurately describes the site location. I note that both of these have been used on the appellant's appeal form and I am satisfied that neither party would be prejudiced.

## Main Issues

3. The main issues are:
  - the effect of the proposed development on the character and appearance of the surrounding area; and
  - the effect of the proposed development on protected trees.

## Reasons

### *Character and appearance*

4. The appeal site comprises an undeveloped parcel of land positioned to the south of Rutters Close, opposite 19 Rutters Close. A backdrop of mature trees exists to the rear (south) of the site. The surrounding area is principally made up of residential development of a suburban nature.
5. The proposed development would see the construction of a single-storey property within the centre of the existing grassed area. This would be rendered with a pitched roof over, set within a garden plot.
6. The currently verdant and undeveloped nature of the appeal site contributes positively to the openness of Rutters Close and to the character and appearance of the surrounding area from which it can be seen. In contrast, the proposal would introduce built form into a location where there is currently

none. Given the exposed nature of the appeal site within the cul-de-sac, any development here would appear overly prominent when viewed from the roadside and nearby properties. As such, the development would appear as an incongruous and discordant feature which would harm openness here.

7. I note the appellant's argument that the appeal site forms a physical and visual break, absent of built form. I consider this is to be a positive characteristic of the site, as explained above. The appellant's comments alleging the site's limited scope for recreational use, and the existence of alternative open spaces nearby, do not weigh in favour of the scheme or reduce the positive contribution the open and verdant site makes to the character and appearance of the area.
8. Overall, I conclude that the proposed development would harm the character and appearance of the surrounding area, conflicting with the relevant provisions of Policy BE1 of the Hillingdon Local Plan: Part One (LPP1, 2012) and Policies DMHB11 and DMHB12 of the Hillingdon Local Plan: Part Two (LPP2, 2020) and Policy D3 of the London Plan (LP, 2021). In summary these policies seek to ensure high quality design in development that respects its context. This is in a similar vein to the provisions of the National Planning Policy Framework (the Framework) insofar as good design is concerned.
9. LP Policies D1 and D4 have been referenced within the Council's decision notice. However, by reason of their content, I do not consider that these policies are directly relevant to the appeal before me.

#### *Protected trees*

10. Based on the evidence before me, the appeal site falls within the boundary of a Tree Preservation Order<sup>1</sup> (TPO). The trees that exist on and close to the site are visually prominent from Rutters Close and from nearby properties. Cumulatively, they contribute significantly to the verdancy, and therefore the character and appearance, of the surrounding area.
11. A drawing entitled Tree Survey, dated 9 January 2024, was submitted in support of the appeal proposal. The trees nearest to the proposed development are listed as falling under categories B or C. Trees under these categories are described as being of either moderate or low quality, with between 10 and 20 years lifespan remaining. From that perspective, the trees here would likely survive on the site, and continue to make a contribution to the character and appearance of the area, for many more years.
12. However, the tree survey simply provides information on the current status of the trees. I have no substantive information before me, such as an arboricultural method statement, to confirm which tree or trees may be affected by the proposed development (whether through removal, pruning or conflict with root protection areas). Accordingly, I have insufficient information before me to conclude on this matter.
13. I note the appellant's suggestion of pre-commencement conditions to deal with matters relating to trees. However, I am of the view that where a significant impact on protected trees could arise, sufficient evidence should be provided upfront. Nevertheless, even were I to find matters relating to trees

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<sup>1</sup> TPO Ref: 359

acceptable under this appeal, it would not change my conclusions in respect of character and appearance more widely.

14. Overall, I conclude that I cannot be satisfied that the proposed development would not harm protected, or other, trees in this location. Accordingly, the proposed development would be contrary to the relevant provisions of LPP2 Policy DMHB14 and LP Policy G7. These policies, in summary, seek to protect existing trees.

### **Other Matters**

15. I acknowledge that the site is not subject to any heritage designations. However, there is no dispute in this respect, and this does not change my conclusion on the main issues.
16. I accept that the proposed development would reflect the established pattern of development insofar as it would face onto Rutters Close, would use matching materials and would be subordinate to nearby residential properties. I also acknowledge the appellant's statement that the site could be argued to optimise the site and that it would maintain a clear definition between public and private spaces. Nevertheless, this does not overcome the harm that I have identified in respect of character and appearance. I do not doubt the appellant's sustainability ambitions. However, this in my view is not wholly reliant on the scheme before me.

### **Conclusion**

17. For the reasons given above, having taken account of the development plan as a whole, the approach in the Framework, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

*A Price*

INSPECTOR