



Appeal Decision

Site visit made on 5 September 2016

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 26th September 2016

Appeal Ref: APP/R5510/W/16/3149931

2 South Park Way, Ruislip, Hillingdon HA4 6UL

- 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 David Tilbury, DFM Homes against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 71493/APP/2015/4736, dated 18 December 2015, was refused by notice dated 3 March 2016.
 - The development proposed is new detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. A Flood Risk Assessment (FRA) was not submitted with the application, but one has since been submitted with the appeal. The FRA does not alter the nature of the proposal and the Council have had the opportunity to consider the document. Consequently, I do not consider that the interests of anyone would be prejudiced by accepting the document and I shall determine the appeal on this basis.
3. The appellant has submitted an amended site plan (plan no 2961-02 revision C) which shows a joint access for no 2 South Park Way (no 2) and the appeal proposal and the provision of 2 parking spaces for both properties. This Plan does not fundamentally alter the nature of the proposal and the Council have had the opportunity to comment on it. I do not, therefore, consider that accepting this Plan would prejudice the interests of anyone and I have determined the appeal on this basis.

Preliminary Matter

4. The Council have confirmed that the amended site plan and revised parking layout overcome their objections set out in reason for refusal 4 relating to highway safety, subject to a condition requiring an auto-track diagram showing appropriate manoeuvring. Nothing I have seen in submissions or on my site visit would lead me to a different conclusion and I have dealt with the appeal on this basis.

Main Issues

5. Taking into account the above, the main issues in this case are:
 - Whether the proposal would comply with national planning policy which seeks to steer new development away from areas at the highest risk of flooding; and
 - The effect of the proposal on the character and appearance of the area;
-

Reasons

Flood Risk

6. The appeal site is located within designated Flood Zone 2 an area at medium probability of flooding. The site has been identified at risk of fluvial flooding from the Yeading Brook (Eastern Arm).
7. The National Planning Policy Framework (the Framework) sets out that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk. The Framework and its Technical Guidance refer to 'areas at risk of flooding' as being within Flood Zones 2 and 3 (and land in Zone 1 with critical drainage problems). The Flood Zone Maps submitted with the appeal confirm that the site is within Zone 2.
8. The Framework and Technical Guidance set out the use of the Sequential Test, which should be used to steer new development to areas with the lowest probability of flooding. The aim is to steer new development to Zone 1 (low probability of flooding), where there are no reasonably available sites in Zone 1, Zone 2 should be considered, taking account of the vulnerability of the land use'. Applying the Flood Risk Vulnerability Classification in Table 2 of the Technical Guidance to the National Planning Policy Framework (2012) (the Technical Guide), the proposed development is classed as more vulnerable.
9. Table 3 of the Technical Guide shows that 'more vulnerable' development is 'appropriate' in zone 2 and that it is not necessary to apply the 'exception test'. However, the notes clarify that the table does not show the application of the Sequential Test. Hence, whilst it is not necessary to apply the exception test, paragraph 033 Reference ID: &-033-20140306 of the Planning Practice Guidance (PPG) clarifies that it is a requirement to apply the Sequential Test as the site has not been allocated in the development plan and as the site is not classified as 'minor development'.
10. The FRA concludes that the appeal site is not at risk of flooding during all events up to and including the 1 in 100 annual probability plus 20% climate change event. The site is estimated to flood during the 1 in 1000 annual probability event with estimated flood depths of 0.331m. The site has been identified at low risk of flooding from all other sources. The FRA concludes that the flood risk to the site can be managed by raising floor levels above the 1 in 1000 annual probability event by incorporating flood resilience measures.
11. However, the FRA does not identify an appropriate search area for a Sequential Test. Furthermore, the appellant has not put forward any information in relation to other sites in less vulnerable Zones which could be considered to satisfy the Sequential Test.
12. The information contained within the FRA would be appropriate in considering the case if it satisfied the sequential test. As I have concluded that the proposal has not met the Sequential Test, I shall not specifically seek to address this additional information.
13. I, therefore, conclude that the proposal fails to adequately address the Sequential Test and consequently the proposal is contrary to the advice in the Framework and could expose people and property to an increase risk of flooding when alternative sites with less risk of flooding may be available.

14. The proposal conflicts with Policy EM6 of the Hillingdon Local Plan: Part One-Strategic Policies (LPP1) (2012) which requires new development to be directed away from flood zones 2 and 3. Conflict also arises with Policy OE7 of the London Borough of Hillingdon Unitary Development Plan (UDP) (1998) Saved Policies 2007 which states that in areas liable to flooding permission will not be granted for new development or the intensification of existing development unless a developer is prepared to implement flood risk measures as part of the proposed development. The proposal is also contrary to Policy OE8 of the UDP which states that planning permission will not be granted for new development or redevelopment of existing urban areas which would result in an increased flood risk due to additional surface water run-off.
15. Furthermore, conflict also arises with Policy 5.12 of the London Plan (consolidated with alterations since 2011) 2015 which states that development proposals must comply with the flood risk assessment and management requirements set out in the Framework and associated technical guidance. Moreover, conflict arises with paragraphs 100 and 101 of the Framework which sets out that inappropriate development in areas at risk from flooding should be avoided by directing development away from areas at highest risk.

Character and Appearance

16. The appeal site is a triangular piece of land adjacent to number 2 (no 2) South Park Way, one of a pair of semi-detached dwellings. The pair has an angled orientation reflecting its location at the junction of South Park Way and Great Central Avenue. The host property has a hipped roof which is stepped to a cat-slide roof to the side.
17. It is proposed to erect a dwelling in the garden area to the western side and rear of no 2 which currently comprises a small detached outbuilding and a disused garage which abuts the western side boundary with the single storey detached dwelling at no 68 Great Central Avenue.
18. The surrounding area is predominantly residential characterised by a mixture of single storey and two-storey semi-detached, detached and terraced properties with varying architectural styles and roof profiles. However, properties have a consistent layout with small front gardens enclosed by low boundary walls and gaps to the side of properties or groups of properties. I acknowledge that the angled layout of the appeal property is not a regular feature of the estate and that some corner properties had return frontages extending to the junction. Nonetheless, there are a number of corner properties which have a distinctive side garden or spacing for example on the corner of Great Central Avenue and Priors Gardens. This feature combined with the characteristic gaps to the sides of properties creates a sense of space and openness. The appeal site provides relief between the houses thereby contributing to the sense of openness and also marks the transition between properties on South Park Way and Great Central Avenue.
19. The proposed dwelling would be consistent with other properties in the area in terms of scale and materials. The gabled roof would also reflect properties along Great Central Avenue. However, the proposed two storey dwelling would extend up to the site boundaries occupying almost the full width of the plot. Consequently, the proposed dwelling would appear cramped and excessive in its plot when compared to properties in the surrounding area. Importantly, the proposal would result in the loss of the gap which provides visual relief and contributes to the character of the area.

20. Furthermore, the restricted size and shape of the plot has resulted in an angled eastern side elevation and an irregular form. The proposal would, therefore, contrast markedly with the more regular linear side walls and plan form of neighbouring properties in the area. Whilst it is acknowledged that there are instances where two storey dwellings abut single storey dwellings, I notice that there is a much larger gap between the properties in those cases. Moreover, due to the location of the appeal site on a corner plot, the proposal would be highly prominent in the street scene.
21. As a consequence of the amended plan and revised car parking layout the Council raise concerns regarding the loss of garden and vegetation to the front of the site. I note that there are a number of instances in the surrounding area where front gardens have been utilised for parking. However, I agree that vegetation to the front of the site would have helped to soften the appearance of the proposal.
22. Taking these factors in combination, I find that the proposal would be an uncharacteristic and incongruous form of development and would consequently harm the character and appearance of the area.
23. Attention is drawn to a number of cases whereby there has been either infill development of side gardens or side extensions of existing properties. Full details of those cases have not been provided, however, I noticed that in those cases gaps remained between those properties and the adjacent properties, unlike the appeal proposal whereby the proposed dwelling would be close up to the boundaries of the site. Consequently, the cases are not directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision. In any event, their presence does not justify the harm which I have identified.
24. Attention is drawn to paragraph 58 of the Framework which states that decisions should aim to ensure that developments 'respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation'. However, paragraph 59 states that design policies should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. For the reasons stated above, I consider that the proposal would be at odds with neighbouring buildings and the local area and would not, therefore, reflect the local distinctiveness of the area.
25. Furthermore, the proposal would conflict with paragraphs 17 and 56 of the Framework which seek to secure high quality design and state that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
26. I, therefore, conclude for the reasons stated that the proposal would cause material harm to the character and appearance of the area and would, therefore, conflict with Policy BE1 of the LPP1 which requires all new development to improve and maintain the quality of the built environment and achieve a high quality of design in all new buildings. Conflict also arises with Policy BE13 of the UDP which states that development will not be permitted if the layout and appearance fail to harmonise with the existing street scene.
27. Furthermore, conflict arises with Policy BE19 of the UDP which seeks to ensure that new development within residential areas complements or improves the amenity and character of the area.

28. Moreover, there is conflict with advice contained in the Hillingdon Design and Accessibility (HDAS) Supplementary Planning Document Residential Layouts 2006 which seeks to ensure that development enhances and contributes positively to the appearance of an area.

Planning Balance

29. The proposal would make a contribution to the economic dimension of sustainable development in the short term during the construction phase, in addition to the long term support of local shops and services. The proposal would contribute to the social dimension by way of a contribution, albeit limited, to housing land supply.
30. However, I consider that, for the reasons stated above, the proposal would not meet the environmental dimension of sustainable development as set out at paragraph 7 of the Framework. The proposal would not, therefore, constitute sustainable development.

Conclusion

31. For the reasons stated above and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

INSPECTOR