

Appeal Decision

Site visit made on 5 December 2016

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/R5510/D/16/3160252

135 Long Lane, Hillingdon, Middlesex, UB10 0AT

- 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 A K Maisuria against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 24442/APP/2016/2374, dated 6 June 2016, was refused by notice dated 22 August 2016.
 - The development proposed is the erection of 2m high boundary walls and brick paving to front forecourt.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, including trees on the site that are protected by a Tree Preservation Order (TPO).

Reasons

3. The Hillingdon Design and Accessibility Statement (HDAS) Supplementary Planning Document - Residential Extensions advises that to ensure harmonisation with the existing street scene the design and materials used and the height of any wall/enclosure must be in keeping with the character of the area.
 4. No 135 is a detached property set back from the road and behind a reasonably deep front garden. Both neighbouring properties to each side, at Nos 133 and 135A, have solid walled enclosures to their front boundaries. In the case of No 135A this boundary wall continues along the property's return boundary to Court Drive. In each case, I found that these walls sat comfortably within the street scene, appearing neither overbearing nor dominant in their setting due to the wide proportions of Long Lane and the presence of two green verges
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along this stretch, the first immediately adjoining the back edge of the highway and the second immediately abutting the adjacent properties' front boundaries.

5. The proposed front boundary wall would match the height and position of those adjoining, and subject to the appropriate use of materials, which could be controlled by condition, I am satisfied that it would not appear out of keeping with the established character of the area.
6. The use of a hardstand for the majority part of the garden would simply reflect the existing run of similar frontages for all the detached properties along this side of Long Lane between Court Drive and No 127 to the south. Also of importance would be the retention of a soft landscaped belt to the front of the site and a narrower 'flower bed' adjacent to the boundary with No 133. The entire front garden would not be replaced with hardstanding and given also the screening qualities of the proposed boundary, I am satisfied overall that the proposed brick paved forecourt would not be out of place.
7. There are three oak trees positioned close to the site's front boundary. These are each protected by TPO 724; two sit within the curtilage of the appeal property whilst the third sits just inside the boundary to No 133 Long Lane. I saw that each appeared as a healthy and dominant feature within the vista along Long Lane and its environs; all making valuable contributions to the visual amenities of the area, both as individual specimens and as a small group when viewed from further afield.
8. Although the application was accompanied by a Tree Impact Statement this does not appear to have been prepared by a specialist arboriculture firm and I have no substantive evidence to support its assertion that the trees' roots are likely to be deep when in most cases the majority of a tree's roots are known to be found in the first 600mm or so of soil. What is more, the report acknowledges that the construction of the required 1m deep foundations for the proposed wall to the front boundary could cause physical damage to the trees' roots but it offers no detailed explanation of how the excavation could be raised to bridge over the roots whilst maintaining the wall's stability. In addition, a substantial area under the canopy spreads of the trees is proposed to be excavated to a depth of 250mm to allow for construction of the hard surface.
9. When all of this is considered, despite the use of a permeable hard surface, I am not persuaded that there would be sufficient protection for the trees to avoid damage to their roots. This could potentially impact upon their health and longevity.

Conclusions

10. I find no harm from the visual impact of the walls or hardstanding and therefore no conflict with the aims and objectives of Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) or with those of Policies BE13 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012). However, the construction of the hardstand and front boundary wall would have the potential to have seriously detrimental impacts upon the protected trees which in turn would harm the character and appearance of the area. This would be contrary to Part Two Policy BE38.

Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR