
Appeal Decision

Site visit made on 15 February 2017

by Jason Whitfield BA (Hons) DipTP MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/R5510/W/16/3164371
46 The Drive, Northwood HA6 1HP

- 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 World Grid Developments Ltd against the Council of the London Borough of Hillingdon.
 - The application Ref 65098/APP/2016/3555, is dated 22 September 2016.
 - The development proposed is demolition of existing building containing three self contained flats; erection of new building containing nine self contained flats and basement parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. An additional plan was provided with the appeal which shows the demarcation of the proposed private and communal amenity space. I am satisfied that no party would be prejudiced by my consideration of the additional plan and I have therefore taken it into account.
3. The appeal site has been the subject of a previous application for a three storey building containing 9 flats (Ref: 65098/APP/2016/835). That application was withdrawn prior to determination. The application which is subject of this appeal sought to address the concerns of the Council the earlier application in relation to the effect on the character and appearance of the area, the privacy of neighbours and the level of amenity space for future residents.

Main Issues

4. The Council resolved that, had it been the position to make a decision, it would have refused planning permission for reasons relating to the effect of the proposal on the character and appearance of the area, the living conditions of neighbours, the living conditions of future occupiers and flood risk, drainage, ground water and structural stability.
 5. The main issues are, therefore:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of the occupiers of 50 and 54 The Drive with particular regard to privacy, outlook and light.
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- Whether the proposal would provide adequate living conditions for future occupiers with particular regard to external amenity space and privacy.
- Whether the proposal would be an acceptable form of development having regard to flood risk, drainage, ground water and structural stability.

Reasons

Character and Appearance

6. The appeal site is located within a predominately residential area. The street scene is characterised by two-storey, detached dwellings on large plots. The design of dwellings along The Drive varies somewhat, nevertheless there are recurring examples of traditional elements should as mock timber, chimney stacks and brick detailing. Properties are generally sited centrally within the plot with substantial gaps between buildings. Set back from the road, the properties and their spacing give the area a pleasant and open suburban, character.
7. The appeal site comprises a three storey building containing three flats. Dating from the early 19th century, the property was constructed by local architects Swannell and Sly who were responsible for several notable buildings of that period around Northwood and Rickmansworth. The property was the first to be constructed on The Drive having originally been a single dwelling on a substantial plot. That plot has since been reduced in scale with the construction of 48, 50, 52 and 54 The Drive but nevertheless remains substantially larger than others in the area.
8. The property is distinctive in its appearance with a pitched gambrel roof, eaves finishing at ground floor level and gable ends either side. It is externally finished in render and brick with a tiled roof. It is orientated somewhat uniquely with a recessed porch area on the south elevation and a projecting gable on the north elevation. The principal elevation facing The Drive features an entrance door under a recessed porch area.
9. Whilst the historical extent of the appeal site has been reduced by modern development, it nevertheless retains a plot of substantial scale. In addition, the site is largely free from any significant means of enclosure and, as such, exhibits a distinctly open character which accentuates the prominence of the building's unique appearance.
10. The proposed development would appear as a large Edwardian style house which is reflective of the several designs within The Drive. It would incorporate features such as timber framed gables, chimneys, porches and timber balconies. It would also be designed to appear as a single property and would incorporate dormer windows to reflect the design of the adjacent dwelling at 44 The Drive. I also note that the stepped nature of the front elevation would assist in breaking up the built form which would be further accentuated by the use of a varying palette of materials including render, brickwork and timber framed gables.
11. However, whilst I recognise the proposal has reduced the scale of the building from the previous application, the building would nevertheless be around 32m in width with a depth of around 25m. It would extend close to the side boundary with the access road to 48-52 The Drive and close to the rear

boundary with No 50. It would therefore occupy a considerable proportion of the overall site. Furthermore, the property would be set back only marginally from the highway and significantly further forward than other properties on both sides of the road. This would appear in stark contrast to the prevailing urban grain of the area. As a result, the proposal would result in particularly dominant and incongruous addition to the street scene.

12. Moreover, the proposal would result in the complete loss of the existing building. Whilst the property is not listed nor in a conservation area, paragraph 135 of the National Planning Policy Framework (the Framework) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Annex 2 of the Framework defines a heritage asset as a building identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. The term includes designated heritage assets as well as assets identified by the local planning authority (including local listing).
13. The appeal site is not located on the Council's local list of historic buildings. Whilst the Planning Practice Guidance states that, ideally, the significance of buildings should be judged against published criteria which may be generated as part of the process of producing a local list, it does not necessarily preclude the identification of such assets which are not part of a local listing. As a consequence, on the evidence before me I am satisfied that the building has a sufficient degree of significance because of its heritage interest to be given due regard as a non-designated heritage asset.
14. The proposal would therefore result in loss of a non-designated heritage asset of significant historic, architectural and social value. The appellant indicates that the building is in a poor state of repair, however, I have been provided with little substantive evidence to support that view. Indeed, from what I was able to see on my site visit, there was little to suggest that the building was in a state of disrepair that would in itself justify the loss of the building. I note the building is not centrally located within its plot, in contrast to the prevailing pattern of development. However, it is such factors which augment the significance of the building and its unique character within the street scene. As a result, in my view, the loss of the building would have a harmful effect on the character and appearance of the street scene.
15. I conclude, therefore, that the proposal would have a harmful effect on the character and appearance of the area. Consequently, the proposal would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies 2012 (LPP1) which state that all new development should improve and maintain the quality of the built environment and that the Council will conserve and enhance the wider historic landscape. It would also conflict with Policies BE13 and BE19 of the Hillingdon Unitary Development Plan (adopted 1998) Saved Policies 2007 (UDP) which state that development should harmonise with the street scene and complement the character of the area.

16. Finally, it would conflict with London Plan¹ policies 7.4, 7.6, 7.8 and 7.9 which seek to ensure high quality design, the highest architectural quality, that heritage assets are conserved and that their significance is assessed.

Living Conditions – Neighbouring Occupiers

17. To the west of the appeal site is the detached property of 50 The Drive. The flank wall of No 50 faces the appeal site. It contains two high level, secondary windows at ground floor level and a first floor window which serves a bedroom.
18. At first floor level, the lounge of proposed flat 6 would contain a balcony. This would be in close proximity to the bedroom window of No 50. However, the balcony would be at an oblique angle to the neighbouring property. Moreover, the appellant has indicated that a privacy screen could be installed on the western flank of the balcony which would prevent overlooking of the bedroom window of No 50. I am satisfied that a condition to secure the provision of a screen would be reasonable. In addition, there are no windows serving habitable rooms proposed on the flank wall of the property closest to No 50. There are also several windows in the existing building which overlook the garden area of No 50 and have angled views of the bedroom window. As a result, I am satisfied the proposal would not result in a harmful loss of privacy for the residents of No 50.
19. Nevertheless, the proposed building would be around 2.4m from the shared boundary with No 50 and around 8.4m from the house. At its closest point, the building would have an eaves height of around 6m with an overall height of around 10m. Whilst it would be partially recessed from the shared boundary, the building would nevertheless be of considerable width and depth.
20. The Hillingdon Design and Accessibility (HDAS) Supplementary Planning Document (Residential Layouts) 2012 states that the minimum acceptable distance between two or more storey buildings that abut a property or its garden is 15m. The proposal would be significantly lower than this. Given the scale, massing and proximity of the proposed dwelling to the bedroom window of No 50, it would result in a significance sense of enclosure for the neighbouring occupiers. Moreover, the building would be orientated to the east and south-east of the adjacent property. As such, given its scale and close proximity, it would result in a material loss of daylight to the bedroom window of No 50.
21. The proposal would also result in habitable windows and balconies in the first and second floors of the building between 20m and 21m from the front elevation of No 54. HDAS states that a minimum separation distance between facing habitable room windows should be 21m. There is no evidence before me that minimum distance would not be achieved.
22. The front elevation of No 54 has a wing which is the closest part of the property to the appeal site. However, this elevation is angled away from the appeal site and contains a window serving a non-habitable room. Moreover, whilst there are windows which serve habitable windows in the main front wall of No 54 and topographically, the appeal site sits higher than the neighbouring property, there is a dense row of high, evergreen trees along the boundary closest to the appeal site. This would largely screen views of the appeal

¹ The London Plan: The Spatial Development Strategy for London Consolidated with Alterations since 2011, 2016

property and potential mutual overlooking between the two. Consequently, I am satisfied that the proposal would not result in a loss of privacy or an undue sense of enclosure of the occupiers of No 54.

23. Nevertheless, I conclude that whilst the proposal would not have a harmful effect on the living conditions of the occupiers of 54 The Drive or result in a loss of privacy for occupiers of 50 The Drive, it would have a harmful effect on the living conditions of the occupiers of 50 The Drive with particular regard to outlook and light. That is the prevailing consideration. As a consequence, the proposal would conflict with Policy BE24 of the UDP which states that the design of new building should protect the privacy of the occupiers and their neighbours. It would also conflict with the guidance set out in the HDAS.

Living Conditions – Future Occupiers

24. Policy BE23 of the UDP states that new residential buildings should provide external amenity space which is sufficient to protect the amenity of existing and future occupants and which is usable in terms of its shape and siting. Paragraph 4.17 of HDAS states that in considering whether adequate garden space has been provided for new flats, 20m² per 1 bed flat, 25m² per 2 bed flat and 30m² for 3 bed flats will be required. The requirement in this instance would be for a minimum of 230m² usable communal garden space.
25. There would be external space within the appeal site of around 445m², in excess of the HDAS requirement. The appellant indicates that around 111.8m² of space would be provided for ground floor flats 1 and 3 in the south west corner of the site and around 37.2m² would be provided for flat 2. In addition, there would be around 211.4m² of shared amenity space to the eastern frontage of the site and around 84.9m² between the rear/side elevation the access ramp to the basement. In addition, balconies would also be provided for the first floor flats. As a result, the proposal would provide adequate outdoor amenity space for future occupiers.
26. In addition, whilst the communal areas would be close to several windows and doors in the ground floor flats, they would be set back from the building to allow some defensible space for the ground floor flats. Consequently, the proposal would not result in a significant loss of privacy for those occupants.
27. I conclude, therefore, that the proposal would provide adequate living conditions for future occupiers with particular regard to external amenity space and privacy. To that end, the proposal would accord with Policy BE23 of the UDP and the guidance set out in HDAS.

Flood Risk, Drainage, Ground Water and Structural Stability

28. The proposed development would incorporate a basement level. The Council indicates that it has not been demonstrated that the proposed basement level would not have a harmful effect on flooding, drainage, ground water and structural stability.
29. Policy EM6 of the LPP1 states that new development should be directed away from Flood Zones 2 and 3 and that all new development should use sustainable urban drainage systems (SUDS). Policy 5.12 of the London Plan states that development must comply with the flood risk assessment and management requirements set out in the Framework where Policy 5.13 states that development should utilise SUDS. London Plan Policies 5.14 and 5.15 state

that adequate wastewater infrastructure capacity should be available and that development should minimise water savings measures.

30. The appeal site is located in Flood Zone 1. In addition, whilst the original application form indicates that surface water will be discharged to main sewer, I see no reason why a condition requiring submission and approval of a scheme for SUDS would not be reasonable. Indeed, the Council has suggested such a condition. Furthermore, there is no evidence that the existing wastewater sewer would be unable to accommodate flows from the development. Moreover, there is no evidence that the proposal would unduly affect groundwater or have any issues in respect of the structural stability of the proposed building, neighbouring properties or the surrounding water environment.
31. I conclude, therefore, that the proposal would be an acceptable form of development having regard to flood risk, drainage, ground water and structural stability and thus, would accord with Policy EM6 of the LPP1 and London Plan policies 5.12, 5.13, 5.14 and 5.15.

Other Matters

32. I note the relatively sustainable location of the appeal site, that it would make an efficient use of land and the contribution the proposal would make towards boosting the supply of housing in the area. These are matters of some importance. However, such benefits from a net increase of six dwellings would be modest in their extent. As such, the harm which I have identified would clearly outweigh the benefits of the appeal proposal.
33. I have had regard to the concerns of local residents regarding the effect of the proposal on highway safety, trees, local services and the lack of affordable housing. However, given my findings in respect of the main issues above, they do not lead me to any different overall conclusion.

Conclusions

34. I have found that the proposal would provide adequate living conditions for future occupiers with particular regard to external amenity space and privacy, that it would be an acceptable form of development having regard to flood risk, drainage, ground water and structural stability, and that it would not harm the living conditions of the occupiers of 54 The Drive. However, I have found that the proposal would have a harmful effect on the character and appearance of the area and the living conditions of the occupiers of 50 The Drive. They are the prevailing considerations in this instance.
35. Therefore, for the reasons given above, and having considered all other relevant matters, I conclude that the appeal should be dismissed.

Jason Whitfield

INSPECTOR