
Appeal Decision

Site visit made on 6 April 2017

by D Boffin BSc (Hons) DipTP MRTPI Dip Bldg Cons (RICS) IHBC

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

Decision date: 04 May 2017

Appeal Ref: APP/R5510/W/16/3161873

1 Milton Way, West Drayton UB7 9JB

- 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 G McAulay against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 40544/APP/2016/2110, dated 1 June 2016, was refused by notice dated 3 August 2016.
 - The development proposed is a new two-bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants have submitted an Arboricultural Impact Assessment (AIA) dated 26 October 2016 with their appeal. The Council have been given the opportunity to comment on the AIA and it considers that it does not overcome the second reason for refusal. Consequently, I will return to this matter below.

Main Issues

3. The main issues are:-
 - The effect on the character and appearance of the area including its effect on trees;
 - Highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal site currently forms part of the garden area associated with 1 Milton Way (No 1), a modern end terraced dwelling. No 1 is located adjacent to the junction of Milton Way and Coleridge Way and as such the front and a side elevation face the highway. There are 3 trees within a grassed verge area that is in close proximity to the Coleridge Way boundary of the appeal site.
 5. The majority of the properties within the immediate vicinity of the site are terraced houses and blocks of apartments and as such are quite densely developed. There is a shopping parade with a parking layby in front of it on the opposite side of Coleridge Way. The parking layby and extensive areas of hard landscaping around the shops gives it a somewhat hard, urban appearance when viewed from the junction of Milton Way and Coleridge Way.
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6. I noted at my site visit a number of the dwellings at road junctions, close to the appeal site, have been built on generous building lines . As a result in some instances the dwellings have ample side garden areas but in others there are grass verges with trees within them. In this context these areas together with the landscaped open spaces between the blocks of dwellings convey a sense of space and help to soften the quite densely developed and urban character of the area. The existing side garden area of the appeal site and the landscaped verge adjacent to the junction make a positive contribution to the surrounding area in the way they link to and complement the other open areas in the immediate vicinity of the site.
7. The proposed dwelling would be a 3-storey extension to No 1 and it would be constructed in materials and of an architectural style that would reflect those used locally. The confines of the site would result in the side elevation of the dwelling being in close proximity to the Coleridge Way boundary. Consequently, the proposal would practically fill the space visually between No 1 and the Coleridge Way boundary substantially eroding the softening effect of the garden area. The dwelling would also project past the front building line of 71 Coleridge Way.
8. However, even though there is a general building line on that side of Coleridge Way there are exceptions elsewhere on Milton Way and Coleridge Way. Moreover, landscaping and trees within gardens, verges and open spaces reduces the perceived formality of the building line in this instance. Furthermore, even though the softening effect of the garden area would be eroded the presence of the landscaped verge means that a significant open area would still remain between the dwelling and Coleridge Way.
9. The 3 trees within the verge are within close proximity to the boundary with the appeal site. The submitted AIA indicates that the spread of the canopies of the trees identified as T2 (Silver Birch) and T3 (Common Ash) do overhang the appeal site and that all 3 trees are category B in relation to their quality and value. As such, they have an estimated remaining life expectancy of at least 20 years.
10. The Council have stated that T3 is a Tree of Heaven rather than a Common Ash as stated with the AIA. I have no reason to disagree with the Council as the tree is within its street tree management programme. All 3 trees are substantial in size with T3 being the largest and they are located in a prominent location opposite the parade of shops. They are attractive specimens which make a substantial and positive contribution to the visual amenity of the area when viewed from Coleridge Way.
11. I acknowledge that the AIA states that T2 and T3 can have the overhanging branches pruned back and that the use of a piled and above ground beam foundation specification would minimise the need for excavation. Consequently, I accept that it may well, subject to the advice in the AIA and BS 5837:2012 (the BS) being strictly followed and secured by planning condition, be possible to build the proposed dwelling in a way that safeguards the health of the trees.
12. However, there is dispute between the parties in relation to post development pressure to reduce or remove the trees. I note that the AIA states within section 8.2 that *'all of the trees should be managed under the Local Authorities street management programme and will undergo regular inspection and*

pruning'. But the Council have stated that even though it does have a street tree management programme that the species of tree T3 is noted for its vigour and if pruned there will be an increasing demand to keep the growth in check.

13. I consider that the siting of the side and rear elevations of the dwelling including habitable room windows so close to the canopies of the trees would inevitably bring with it a risk of pressure to fell the trees. Such fears are acknowledged by the BS which advises that the relationship of buildings to large trees can cause apprehension to occupiers resulting in pressure for the removal of the trees.
14. I acknowledge that the trees could be pruned but they would continue to grow and the proximity of the trees together with their height would lead to an overwhelming presence of established mature vegetation that would give rise to an oppressive feel for the occupiers of the dwelling. This combined with the perceived safety risk by future residents from falling branches or other damage to their property would, I believe, inevitably lead to pressure to fell one or more of the trees.
15. The appellant has drawn my attention to dwellings in Keats Way that have been constructed.¹ Whilst I do not have the full details of these cases in front of me I noted at my site visit that, whilst there are some parallels, neither of them are directly comparable to the appeal case. Neither of those cases have large trees within such close proximity of the dwellings. As such I attribute little weight to them and in any case I am required to determine the appeal on its individual merits.
16. I acknowledge that the Council did not object to the proposal in relation to the sunlight, daylight and privacy enjoyed by neighbouring occupiers and the size of the internal floorspace or the garden areas. However, a lack of harm in these respects is a neutral consideration and does not outweigh the harm that I have identified.
17. In conclusion, I consider that the new dwelling would not appear dominant nor would it have a cramped form as a significant open area would remain in the form of the landscaped verge. However, the development would be significantly harmful to the character and appearance of the area. This is because the occupation of the dwelling would be highly likely to result in pressure to fell one or more of the trees on the verge that make a substantial and positive contribution to the visual amenity of the area.
18. It follows that the proposal would not accord with Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (LP), Policies BE13, BE19 and BE38 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (HUDP) which, amongst other things, seek to ensure high quality development that enhances complements or improves the character of the area and satisfactorily relates to the street scene, features of the area and retains/utilises landscape features of merit.
19. It would also not comply with guidance in the Council's Supplementary Planning Document 'Hillingdon Design and Accessibility Statement-Residential Layouts' (SPD), adopted in 2006, which, amongst other things, states all

¹ APP/R5510/A/10/2122212 and 12380/APP/2012/3038

proposals for new housing will be assessed in relation to the character of the area.

20. I consider that HUDP Policy 15 is not directly relevant to the proposal, because it relates to extensions and alterations to existing buildings. Even though the proposal would be attached to the end of the terrace it has been designed as a separate dwelling. I also consider that the Hillingdon Design and Accessibility Statement Supplementary Planning Document: Residential Extensions (SPDRE) is not directly relevant to the proposal, for similar reasons to HUDP Policy 15 because the SPDRE relates to residential extensions.

Highway and pedestrian safety

21. The frontage to the existing dwelling is hard landscaped and presently used for parking. The proposal would entail the removal of the brick wall that is on the Milton Way boundary with the pavement and the extension of the existing vehicular crossover. The Council considers that the width of the new vehicle crossover shown on the site plan would not meet its required standard for vehicle crossovers. However, there is nothing before me to indicate what the required dimensions or construction details are in relation to meet this standard.
22. Furthermore, I noted at my site visit (mid-morning) that Milton Way was very quiet and there were relatively few vehicles using it. I acknowledge that at other times of the day it may be busier but there is no evidence before me to suggest that the road is normally heavily trafficked. Numerous properties in Milton Way have parking areas on their frontages and as a result there are substantial lengths of the pavement that have dropped kerbs to allow vehicular access across. I have no evidence before me to indicate that pedestrian safety has been compromised by these extended crossovers.
23. Vehicles entering or leaving the new drive might obstruct people using the adjacent footway. However, visibility for a driver would be reasonable in both directions, and given the relative infrequency and short duration of such manoeuvres and the low speeds involved I am satisfied that the safety of pedestrians would not be materially compromised. Appropriate visibility splays and details of the crossover could be secured by condition if the appeal scheme was otherwise acceptable.
24. In conclusion the proposal would not result in significant harm to highway and pedestrian safety and as such it would not conflict with HUDP Policies AM7 or the SPD which, amongst other things, seek development that does not prejudice conditions of general highway or pedestrian safety.
25. As the Council has not cited the lack of car parking within the reasons for refusal I do not consider that HUDP Policy AM14 is relevant in this case.

Other Matters

26. In terms of the three dimensions to sustainability set out in paragraph 7 of the National Planning Policy Framework (Framework), the proposal would make a limited contribution to the local economy including the provision of construction jobs, some additional local spend and New Homes Bonus and Council Tax receipts. I acknowledge that there would be sustainability benefits associated with the proposal. Specifically, the appeal site is within

the built up area of West Drayton where there is a range of services, facilities and employment opportunities available. An additional dwelling would be created which would have a limited social role by making a small contribution to the housing supply.

27. However, I have found that the development has a significantly harmful effect on the character and appearance of the area and that harm outweighs my findings on the other main issue and the benefits associated with the scheme. As such it would not accord with the environmental dimension and it would not comprise sustainable development.
28. The harm that would be caused to the character and appearance also leads me to conclude that the proposal would conflict with the development plan. In accordance with S38(6) of the Planning and Compensation Act 2004, and as set out in paragraph 12 of the Framework, development which conflicts with the development plan should be refused unless other material considerations indicate otherwise. In this case there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

Conclusion

29. For these reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

D. Boffin

INSPECTOR