
Appeal Decision

Site visit made on 6 June 2017

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 4 July 2017

Appeal Ref: APP/R5510/W/17/3167771

Land at 3 Olivia Gardens, Harefield, Middlesex, UB9 6QF

- 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 Jerry McGrath against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 54964/APP/2016/1378, dated 18 April 2016, was refused by notice dated 16 September 2016.
 - The development proposed is the erection of a new two-storey detached dwelling house involving demolition of existing garage outbuilding.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new two-storey detached dwelling house involving demolition of existing garage outbuilding at Land at 3 Olivia Gardens, Harefield, Middlesex, UB9 6QF in accordance with the terms of the application, Ref 54964/APP/2016/1378, dated 18 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1681/L1; Proposed Site Layout 1681/1 Rev A; Proposed Elevations and Floor Plans 1681/2 Rev A; Root Protection Area 1-38-3740/P1; Tree Retention and Tree Protection Measures 1-38-3740/P2
 - 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details
 - 4) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include details of means of enclosure and boundary treatments, details of refuse storage, and details of cycle storage. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
 - 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the
-

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 6) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no. 1681/1 Rev A (Proposed Site Layout) for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.

Main Issue

2. I consider the main issue in this appeal to be whether the proposed development would preserve or enhance the character and appearance of the Harefield Conservation Area.

Reasons

3. Situated on the fringes of the Harefield Conservation Area, which derives a great deal of its significance from its open spaces, the historic street pattern of its centre, and the buildings which address them, the appeal site is an open space with the character of a domestic garden to the side and rear of 2 and 3 Olivia Gardens. Towards the front of the appeal site there is a single-storey building, which was in the process of construction at the time of my site visit. The appeal site is set back from Olivia Gardens, a cul-de-sac with a gated access with substantial and apparently relatively modern dwellings of varying styles and no predominant building line clustered around the highway, with differing sizes and shapes of gardens.
4. The proposed development would introduce a two-storey dwelling onto the site with an attached garage proud of its front elevation. The dwelling would be setback from No 3 behind a vehicular access and parking and turning area. Garden space would be supplied to the rear and side of the proposed dwelling.
5. The gardens in the immediate surroundings of the appeal site, whilst contributing to the verdant character of the Conservation Area more generally due in particular to the presence of mature trees, are of varying sizes and shapes. Moreover, plot sizes in the immediate surroundings of the appeal site are relatively modest, and buildings have quite an intimate arrangement with each other. On Olivia Gardens itself, I saw that there is no strong building line. The appeal scheme would introduce development of a similar scale to its surrounding dwellings, with a depth, shape and overall size of plot that would not be out of kilter with its surroundings. Its frontage, whilst set back, would relate to, and be visible from, Olivia Gardens. These factors, taken together, lead me to the view that the proposed development would assimilate readily with its surroundings, and would appear neither cramped nor incongruous.
6. Whilst the scale of development on the appeal site would increase, the single-storey building present at the site already substantially infills the gap between Nos 2 and 3. Moreover, due to its scale and presence the oak tree to the rear, would still be clearly visible in views towards the front aspect of the proposed development. For these reasons, the proposed development would not materially reduce the open character of its surroundings or that of the Conservation Area more generally.

7. Whilst I note comments referring to alleged errors in the appellant's Tree Report, I note that the Council's Trees and Landscaping consultee had no objections in principle to the development and considered that tree protection and landscaping matters could be covered by condition. Accordingly, I consider that attachment of a landscaping condition requiring tree protection measures could safeguard the health of the oak during construction. The appeal scheme would bring residential development in a closer relationship with the oak tree. However, the proposed dwelling would be adequately separated from the oak tree, and I saw that the oak's crown spread and height would leave considerable proportions of the appeal scheme's garden free from its shade or leaf drop. I thus consider that the proposed development would not lead to significant additional pressure for major pruning or other works to the tree to an extent that would undermine its contribution to the wider leafy character of the area.
8. Taken together, these considerations lead me to the view that the proposed development would not cause harm to the character and appearance of its surroundings or the significance of the Conservation Area taken as whole. Mindful of the duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I therefore conclude that the character and appearance of the Conservation Area would be preserved.
9. For these reasons too the proposed development would not conflict with Policies BE1 of the Hillingdon Local Plan: Part 1- Strategic Policies (adopted November 2012); or Policies BE4, BE13 and BE19 of the Hillingdon Unitary Development Plan (adopted 1998); or Policy 3.5 of the London Plan: The Spatial Development Strategy for London-Consolidated with Alterations Since 2011 (adopted March 2016). Taken together, and amongst other things, these policies seek to ensure that development is designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views and preserves the special architectural and visual context of conservation areas.

Other Matters

10. I consider that the level of additional traffic movements created in relation to a single dwelling would not be of a frequency that would cause material harm to highway safety or the residential amenity of the occupants of adjacent properties. Whilst the application form indicates that the proposed development would lead to a reduction of car parking spaces available at the site, it would nevertheless make adequate arrangements for access and parking, and as a consequence, I consider that it would not result in a material increase in demand for on-street parking spaces. In arriving of this view I am mindful that the local highway authority made no objections to the proposed development, and also that the Officer Report suggests that the parking arrangements would meet the relevant requirements of the development plan.
11. Whilst I note comments regarding the legal status of the access to Olivia Gardens, including whether it is a private road, these are essentially private matters that have only a limited bearing on my assessment of the planning merits of the appeal.
12. The proposed development would be within the Denham Aerodrome Traffic Zone; however, as this it would be part of an established residential area within this zone, I consider that visibility and audibility of aircraft operations

associated with the aerodrome would not be of significant harm to the living conditions of its future occupants.

Conditions

13. I have assessed the conditions suggested by the Council against the tests given in paragraph 206 of the National Planning Policy Framework. This states that conditions should only be imposed where they are necessary, relevant to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. Where I have attached conditions I have amended their wording in the interests of clarity and precision.
14. In the interests of certainty I have attached a condition specifying the approved plans. In order to ensure that the proposed development is sensitive to the character and appearance of its surroundings I have attached a condition requiring the Council's approval of details of the materials to be employed in its external construction. This is, of necessity, a pre-commencement condition to ensure that the proposed development is constructed in line with the approved details.
15. I have attached conditions regarding the submission of hard and soft landscaping details to the Council for their approval, and that a landscaping scheme should be delivered in line with the submitted details. A requirement to submit details of tree protection measures to be deployed during the construction of the proposed development is included. These conditions are attached to ensure that the proposed development is sensitive to the verdant character of the Conservation Area. In order that the proposed development is delivered in line with the approved details in these regards it is necessary for Condition (4) be complied with pre-commencement. However, due to the modest size of the proposed development I have scaled-back and simplified the condition as suggested by the Council, and have amalgamated the requirements related to boundary treatments with the landscaping condition.
16. In order that the proposed development makes adequate arrangements for parking I have attached a condition requiring car-parking to be laid out and retained as shown on the approved plans prior to occupation of the proposed dwelling. However, due to the limited scale of the development, the adequacy of the parking arrangements as shown on plan and the nature of the highway that the proposed development would address, I consider it unnecessary to attach a condition in relation to visibility splays and restriction of the obstruction of sightlines.
17. As the Officer Report indicates that matters of flooding and drainage are not applicable to the application the necessity of the suggested conditions regarding these matters has not been demonstrated. Accordingly, I have not attached these.

Conclusion

18. The proposed development would not conflict with the aforementioned policies of the development plan. Consequently, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort INSPECTOR