
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/17/3171098

Land adjoining 1 Rising Hill Close, Northwood

- 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 S Randhawa (Paragon Homes) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 16139/APP/2016/4218, dated 21 November 2016, was refused by notice dated 30 January 2017.
 - The development proposed is a single-storey, 1-bed, attached dwelling with habitable roofspace, associated parking and amenity space following demolition of existing side element.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of its surroundings including its effect on the protected oak tree.

Reasons

3. The appeal site comprises land to the side of 1 Rising Hill Close, and is occupied towards its front by a single-storey flat-roofed brick-faced building, attached to No 1. To the side and rear of this single-storey element there is split-level space with the character of a residential garden bounded to the front by brick walls and close boarded fencing and to the side and rear by hedges. Rising Hill Close comprises two terraces of properties in a perpendicular arrangement to each other, with staggered building lines, of a consistent scale, elevational detailing, and gable roof form, which taken together impart a strong sense of regularity and order to the streetscene. The properties are set well back from the Close behind open landscaping, and their deep and well-vegetated back gardens contribute to the verdant and spacious character of their wider surroundings.
4. The appeal site, and land closely associated with it include trees covered by a Tree Preservation Order¹ (TPO), of these the oak in the rear corner of the appeal site, due to its scale and symmetry, and all round visibility in the

¹ London Borough of Hillingdon Tree Preservation Order No. 188, dated June 1976

streetscene contributes strongly to the verdant and spacious character of the appeal site's surroundings.

5. The proposed development seeks to demolish the existing building on the site and replace this with a single-storey pitched roofed dwelling with accommodation within the roof space. The proposed dwelling would feature three dormer windows, one in its front roof slope, and two in the rear, with a bedroom window in the flank elevation. It would be attached to, but set back from No 1, and have a bay window, and door in its front elevation of similar detailing and proportions to those of its neighbouring properties.
6. The proposed development's diminutive scale would be a strong contrast to the consistent size and proportions of its neighbouring terraces imparting an incongruous character to the dwelling. Moreover, the juxtaposition of the proposed development's front roof slope against the strong and consistent rhythm of fenestration in the upper floors of the two-storey properties to its side would read as a discordant feature that would exacerbate its overall incongruity.
7. The placement of the front dormer, to one side of its host roof slope would intensify the discordant relationship with the strong rhythm of the streetscene, and would appear out of kilter in the context of the surrounding roofs which do not have dormers or other prominent additions within their front slopes. Taken together, these elements of the proposed development would cause considerable harm to the character and appearance of the streetscene.
8. The proposed development would substantially infill the gap between No 1 and Ducks Hill Road with development of a larger scale than is there at present, and this would serve to reduce the appeal site's contribution to the spacious and verdant character of the streetscene. Given the spacious plotting and leafy nature of Ducks Hill Road in the environs of the appeal site this would impart a cramped and shoehorned appearance to the proposed development that would cause harm to the character and appearance of its surroundings.
9. In arriving at this view I have been mindful of the previous linked appeals at the site², and the Inspector's conclusions with regard to the visibility and natural screening present there. However, whilst the scale of the proposed development is smaller than those of the previously refused appeal schemes, which could limit its wider visibility, this does not alter my conclusions with regard to its incongruity with the surrounding development pattern, which could be clearly appreciated from Rising Hill Close itself and Ducks Hill Road.
10. I note that the proposed development would be similar in scale to a residential extension to No 1, that there is a single-storey building on the site, and that planning permission was granted for a two-storey extension at 6 Rising Hill Close³. However, the character and appearance of the proposed development would be considerably different to these other forms of development, featuring as it does a front door, and separate domestic space to the front and rear, which taken together would clearly impart the character of a separate dwelling rather than an extension. For the reasons given, as a separate dwelling in a development pattern of such regularity the appeal scheme would appear harmfully incongruous.

² APP/R5510/W/15/3130831 and APP/R5510/W/15/3130830

³ Council reference 56897/APP/2009/628

11. The appellant submitted an Arboricultural Survey indicating that, subject to adequate tree protection measures, the appeal scheme could take place without causing undue harm to the oak tree, and that the proposed foundations would reduce the potential for structural damage to the proposed development arising from its roots. However, the proposed development would introduce residential accommodation in a closer relationship to the tree than exists at present, and the crown spread of the tree would encroach over a considerable proportion of its amenity space. I note that in the previous appeals, the adjacency of the proposed development to the oak, and the consequent pressure for pruning or felling formed part of the reasons for dismissal.
12. However, in the current case, the smaller scale of the proposed development, the orientation and use of its rear windows, and the generous amount of garden provided to cater for a single bedroom dwelling, are all clear material differences to those previously refused appeals. In this case, the smaller scale of the development would mean that it would be located further away from the tree's crown spread, minimising the impacts of leaf drop on the gutterings of the property. Moreover, that separation distance, combined with the dual aspect of the proposed habitable rooms would mean that the tree's effects on light penetration into those rooms would be unlikely to lead to a significantly harmful effect to the living conditions of their occupants.
13. The generous scale of the garden when compared to the proposed dwelling, combined with the crown height of around 5m, which allows light penetration and adequate clearance, would reduce pressure for pruning. Furthermore, whilst I note that the oak is a long living species and that the crown spread could increase, I also saw that its proximity to the roads at the corner of the site could lead to pressure for pruning for highway safety purposes. I am mindful that work to the crown within the garden could be undertaken at the same time as pruning of its highway facing sides to maintain the crown's overall symmetry and balance. Consequently, its presence within, and contribution to, the verdant and arboreal character of the streetscene could therefore be maintained.
14. These considerations thus lead me to the view that the proposed development would not diminish the contribution of the protected oak tree to the character and amenity of its surroundings. However, in other respects, including the scale and elevational detailing of the proposed development, and its erosion of the spaciousness of the plot, it would appear out of kilter with the streetscene, and consequently be of considerable harm to the character and appearance of its surroundings.
15. As a consequence the proposed development would conflict with Policy BE1 of the Hillingdon Local Plan: Part 1-Strategic Policies (adopted November 2012); Policies BE13 and BE19 of Hillingdon's Unitary Development Plan (adopted 1998) (the UDP); Policies 3.5 and 7.4 of the London Plan: The Spatial Development Strategy for London: Consolidated with alterations since 2011 (adopted March 2016); and the Hillingdon Design and Accessibility Statement: Residential Layouts Supplementary Planning Document (adopted July 2006). The policies and guidance, taken together, and amongst other things seek to ensure that housing developments are of the highest quality externally; have regard to the pattern and grain of existing spaces and streets in orientation, scale and proportion; harmonise with the existing streetscene; and are appropriate to the identity and context of Hillingdon's townscape.

16. However, as I have found that the proposed development would cause no material harm to the protected oak tree, I consider that it would not conflict with Policy BE38 of the UDP insofar as it requires development proposals to retain and utilise landscape features of merit.
17. As the appeal scheme would provide a separate dwelling, I consider that neither Policy BE15 of the UDP, nor the Hillingdon Design and Accessibility Statement Residential Extension Supplementary Planning Document (adopted December 2008) are relevant to a consideration of the merits of this appeal, as they are both directed to the development of residential extensions.

Other Matters

18. The proposed development would supply an additional smaller dwelling which could meet the lifetime homes standards, and contribute to the Council's housing requirements. It could enable downsizing that could free larger housing elsewhere. However, whilst these would be benefits, the limited scale of development proposed, combined with the uncertainty of whether down-sizing would be facilitated, and a lack of substantive evidence regarding Hillingdon's housing supply position, mean that they carry only modest weight in favour of the proposed development in the overall planning balance.
19. I am aware of comments that the appeal site could become an eyesore. However, I have been supplied with no substantive evidence to suggest that the maintenance of the site and its building would be financially unviable. Furthermore, statutory powers are available to the Council under planning and other acts to address untidy land and buildings. As a result this matter carries only the most minimal weight in favour of the proposed development.
20. The parking provision at the site could be acceptable and adverse impacts to the residential amenity to the occupants of adjacent dwellings could be avoided. The proposed development would also maintain the right of access to the foul water drain. However, these matters are merely indicative of a lack of harm in these respects and thus carry only neutral weight in the overall planning balance.

Conclusion

21. The proposed development would cause considerable harm to the character and appearance of its surroundings. This would be an environmental harm which, in the overall planning balance, would clearly and demonstrably outweigh the modest social and economic benefit delivered by the proposed development. For these reasons the proposed development would not comprise sustainable development for the purposes of the National Planning Policy Framework. Moreover, for the reasons given above, the proposed development would conflict with the aforementioned policies of the development plan. As no material considerations have been advanced sufficient to outweigh this conflict, I conclude, for the reasons given above, and having regard to all other matters raised, that the appeal should be dismissed.

G J Fort

INSPECTOR