

Appeal Decision

Site visit made on 20 June 2017

by Mike Worden BA (Hons) DipTP MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/R5510/W/17/3171932
2 Woodside Road, Northwood HA6 3QE

- 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 Shah against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70377/APP/2016/4221, dated 21 November 2016, was refused by notice dated 6 March 2017.
 - The development proposed is a 2 storey, 3 bedroom detached dwelling, use of habitable roof space, ancillary works and provision of new vehicle access from Woodside Road.
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Decision

1. The appeal is allowed and planning permission is granted for a 2 storey, 3 bedroomed detached dwelling, use of habitable roof space, ancillary works and provision of new vehicle access from Woodside Road at 2 Woodside Road, Northwood, HA6 3QE in accordance with the terms of the application, Ref 70377/APP/2016/4221, dated 21 November 2016, subject to the 13 conditions on the attached schedule.

Procedural Matter

2. In the description of development proposed on the application form, the appellant refers to land between 2 and 6 Woodside Road. However the site address is described as 2 Woodside Road on the application form, and I have used this description in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the Gatehill Farm Estate Area of Special Local Character.

Reasons

4. The appeal site is part of the garden of No. 2 Woodside Road, a large detached house on a corner plot. The appeal site has been severed from the rest of the garden and from my site visit I was able to see that fencing has been erected around the appeal site.
 5. Woodside Road lies within an Area of Special Local Character (ASLC), the Gatehill Farm Estate. This area dates from the 1920s and is characterised by suburban development comprising mainly of detached properties in their own
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plots. Plot sizes and house types vary significantly throughout the estate but the character is of one of an 'Arts and Craft' architectural style suburb with wide roads and verges, hedges, trees, and generously sized gardens.

6. The proposal is a two storey detached house which would be located between No 2 and No 6 Woodside Road and accessed by a new vehicle crossover. Following a previous refusal of planning permission and dismissal on appeal¹, the appellant has redesigned the proposal. It is proposed to have a pitched roof facing the street and its design is simpler and more compatible with its neighbours, although the proposed house would be smaller than a number of those on the road. Its location on the site would accord with the building lines of No 6 and No 2 Woodside Road.
7. The plot size is small when compared to many of the properties on the estate. Its average width, at around 13m, is less than the appellant's calculations of average plot width of the properties shown on the site location plan. This would be contrary to criterion (i) of Policy BE6 of the Hillingdon Local Plan Part 2 Saved Unitary Development Plan Policies 2012 (the Local Plan part 2) which requires that new houses on the Gatehill Farm Estate ASLC should be constructed on plots of a similar average width as surrounding residential development. However, I consider that the shape of the plot needs to be taken in to account. At around 15m wide, the plot frontage is very similar to the frontages at Nos 3, 5, and 6 Woodside Road and therefore the impact of the proposal when viewed from the street would belie the narrower plot width towards the back of the site.
8. The plot size and shape enables the proposed house to meet the 1.5m minimum distance to each side required by Policy BE22 of the Local Plan part 2. I am aware that the gap between the proposed house and the boundary with No 6 has been questioned by objectors and a surveyor's report has been submitted which states that it is more in the order of 1.2m. This report was prepared without access to the appeal site and so direct measurements were not taken. Nevertheless should that be correct, it is a relatively small margin and due to the angle of the two properties would only apply at the rear corner of the proposed house as the gap widens significantly towards the front.
9. The gap to the boundary with No2 is around 1.5m although the presence of the chimney stack on the proposed dwelling would reduce this at one small point. Since the stack is set towards the rear of the proposed house, and that part of No 2 closest to the boundary is single storey, I consider that the proposed house would accord with Policy BE22 in terms of required gaps along the side boundaries of new development in the ASLC.
10. Woodside Road slopes down towards Gatehill Road and the ridge line of the proposed house would sit lower than that of No 6. I consider that the proposed house would not appear bulky, is well proportioned and its design would not be out of keeping with the general styles in the area. The ASLC comprises houses of many different designs and I consider that this design would not be unsympathetic to the area. In this regard I note that the Council's Conservation Officer is satisfied with the proposal.
11. It is a smaller plot than many on the estate, and its plot density is higher than the average on the estate, but the overall impact of the proposed development

on the streetscene would not be harmful given its wider shape at the front. In addition the density ratio accords with the requirements of Policy 3.4 of the London Plan 2015 for a house of this size.

12. Both the appellants and the objectors have referred me to the development at 14 Wieland Road which I visited. That development has different characteristics compared to this case. The plot is deeper but appears narrower at the frontage. I have however decided this case on the evidence before me and on its merits.
13. Similarly both the appellants and the objectors in their evidence have highlighted the decision of the Inspector who determined the appeal on the current appeal site in 2016 to which I have referred to above. The Inspector was largely concerned about the design of the proposed house including the roofline and the single storey elements. That design was significantly different to the one before me, although the footprints are similar. I recognise that the appellant has since redesigned the proposal to the satisfaction of the Council's Conservation Officer and I consider that the proposed design would not be harmful to the character and appearance of the ASLC.
14. Overall, for the reasons above, I therefore conclude that the proposed development would not be harmful to the character and appearance of the ASLC and would accord with BE5, and BE22 of the Local Plan part 2 which set down requirements for new development within the ASLC generally and in respect of BE22 the Gatehill Farm Estate ASLC specifically. I consider that these policies are consistent with the provisions of the National Planning Policy Framework.
15. I also conclude that the proposed development would accord with Policy BE1 of the Hillingdon Local Plan Part 1 Strategic Policies 2012 which sets down general requirements for new development and with Policies BE13 and BE19 of the Local Plan part 2 which require developments to harmonise with the street scene and to complement or improve the amenity and character of an area. The density ratio proposed accords with the table within Policy 3.4 of the London Plan 2015 for a house of this size.
16. The proposed development would not accord with part (i) of BE6 of the Local Plan part 2 in that the plot is not of a similar average width as surrounding residential development, although it would fully meet parts (ii) and (iii). However I consider that the wider frontage, in this case, means that proposal is not harmful to character and appearance of the ASLC which is the objective of Policy BE6. Therefore I consider that the material circumstances mean this case can be determined other than in accordance with the development plan.
17. The proposed development would also accord with the Hillingdon Design and Accessibility Statement SPD 2006 (the SPD) which provides guidance in relation to the design and acceptability of new housing proposals. The appeal site is significantly larger than the minimum acceptable plot size for developments such as this specified in the SPD and the proposal would accord with the requirements for developments in the Gatehill Farm ASLC referred to in Section 4.23.
18. The Council's decision notice referred to Policy BE15 of the Local Plan part 2, but I do not consider that policy is relevant to this case as it is concerned with

extensions and alterations to existing buildings. The other policies referred to me by the Council do not add to its case.

19. I have afforded limited weight to the policies of the emerging Hillingdon Development Management DPD as they are not yet part of the development plan and may be altered before adoption. However I do not consider that the emerging policy for the Gatehill Farm Estate ASLC is dissimilar to its corresponding policy in the adopted plan which I have referred to in this decision.

Other matters

20. The Council is satisfied that the proposed development would not adversely affect the living conditions of the occupiers of the neighbouring properties or future occupiers of the proposed house, by virtue of privacy or outlook. The windows on the side elevation of No 6 are secondary. Subject to conditions requiring obscured glazing and non-fully opening windows on the side elevation windows in order to prevent overlooking, I would concur with that position.
21. I have also taken account of the relationship between the proposed house and No 7 Gatehill Road which was referred to me by the objectors, but consider that there would be no harm to living conditions of the occupants of that property given the distance and orientation of the two properties.
22. I have no evidence about impact on sunlight or daylight on No 6 Woodside and this has not been referred to by the Council. Nevertheless it seems to me that since the proposed house is in the general building line of No 6 and that it sits lower than it given the slope of the land, there would not be an undue impact on sunlight to the rear garden of No 6 nor to light into the habitable rooms of No 6, given that the windows on the side elevation of No 6 are either secondary or serve non-habitable rooms.
23. I have no evidence before me of a loss of a tree subject to a Tree Preservation Order and have determined the appeal on the basis of the site as it is currently. The existing trees and hedges on the site could be protected by a condition and additional landscaping required.
24. I also have no evidence about a potential breach of covenant and in any event, as the objector acknowledges, it is a legal rather than a planning matter and I cannot take it into account in reaching my decision. Concerns related to internal provision for disabled persons are a matter for the building regulations rather than the planning system.
25. The proposed development would lead to a significant reduction in the garden size of No 2 Woodside. However since that house lies on a large corner plot, the remaining garden space would be likely to be sufficient to meet the needs of its occupiers and would not appear too small. Equally I agree with the Council's view that the garden space for the proposed new house is sufficient to meet the needs of its future occupiers.
26. The objectors have made reference to the original plan for the estate drawn up in the 1920s. I have found this plan to be interesting as it provides some important historical context for the ASLC and the original concept for the estate. I note from that plan that the bulk of the appeal site lies within Plot 59 but I have afforded this plan itself very little weight as I have based my

decision on the effect of the proposal on the current character and appearance of the Gateshill Farm Estate ASLC.

27. I have taken into account the further points made by residents including references to boundary treatment but consider that these matters can be dealt with adequately by condition and implementation of the approved plans.

Conditions

28. I have considered the suggested conditions submitted by the Council in relation to the Planning Practice Guidance and the National Planning Policy Framework.
29. The first condition relates to the standard time period for implementation. The second condition specifies the plans to which the permission relates and is necessary for clarity and certainty. The condition relating to materials is necessary to protect the character and appearance of the ASLC.
30. The conditions relating to obscured glazing and openings are necessary to ensure the protection of the privacy of adjacent occupiers. The conditions removing permitted development rights for further development are necessary in order to protect the character and appearance of the ASLC. The use of such conditions is exceptional in accordance with the Planning Practice Guidance, but necessary in this case given the importance of the ASLC.
31. The condition relating to ground levels is necessary given the slope of the site and its relationship to adjoining properties.
32. The conditions relating to the protection of trees and hedges and the provision and retention of landscaping are necessary to protect the character and appearance of the ASLC.

Conclusion

33. For the reasons given above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

Schedule of 13 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: 1251/P/1, 1251/P/2, 1251/P/3, 1251/P/4 and 1251/P/5.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings, other than those expressly authorised by this permission shall be constructed on the elevation or roof slopes on the elevations facing No 2 and No 6 Woodside Road.
- 5) The building hereby permitted shall not be occupied until the windows facing No 2 and No 6 Woodside Road have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no garages, sheds or other outbuildings shall be erected other than those expressly authorised by this permission.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to the building or roof shall be erected other than those expressly authorised by this permission.
- 8) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.
- 9) No retained tree or hedge shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner from the date of the occupation of the building for its permitted use, other than in accordance with the approved plans, without the prior written approval of the local planning authority.

In this condition "retained tree or hedge" means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 10) If any retained tree or hedge is cut down, uprooted or destroyed or dies another tree or hedge shall be planted at the same place and that tree or hedge shall be of such size and species and shall be planted, at such time as may be specified in writing by the local planning authority.

In this condition "retained tree or hedge" means an existing tree which is to be retained in accordance with the approved plans and particulars.

- 11) No site clearance or construction work shall take place until the details have been submitted to, and approved in writing by the local planning authority with respect to:

i) A method statement outlining the sequence of development on the site including demolition, building works and tree protection measures

ii) Detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, hedges and other vegetation to be retained.

- 12) All the trees and hedges shown on the approved plans as "to be retained" shall be protected by strong fencing, the location and type to be previously approved in writing by the local planning authority. The fencing shall be erected in accordance with the approved details before any equipment, machinery or materials are brought onto the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed within any fenced area, and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the prior written consent of the local planning authority.

In this condition "retained tree or hedge" means an existing tree or hedge which is to be retained in accordance with the approved plans and particulars.

- 13) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:

i) planting plans at a scale of not less than 1:00

ii) boundary treatments and means of enclosure

iii) vehicle parking layouts;

iv) hard surfacing materials;

v) proposed and existing functional services above and below ground

vi) an implementation programme,

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be maintained in accordance with an approved scheme of maintenance.