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## Appeal Decision

Site visit made on 6 February 2018

**by Beverley Wilders BA (Hons) PgDurt MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 4 April 2018**

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**Appeal Ref: APP/R5510/W/17/3181554**

**14 Swakeleys Drive, Ickenham, Uxbridge UB10 8QB**

- 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 & Mr W & R Haykal against the decision of the Council of the London Borough of Hillingdon.
  - The application Ref 72756/APP/2017/1309, dated 6 April 2017, was refused by notice dated 31 July 2017.
  - The development proposed is construction of new two storey two bedroom detached residential unit following sub division of existing site.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The appeal form states that the reason for the appeal is that the Council failed to give notice of its decision within the appropriate period. However it is clear from the evidence that the Council did issue a decision refusing planning permission for the proposal. I have determined the appeal accordingly.

### Main Issues

3. The main issues are the effect of the proposal on:
  - the character and appearance of the area;
  - the living conditions of the occupiers of adjoining properties having regard to outlook, daylight and sunlight.

### Reasons

#### *Character and appearance*

4. The appeal site is located in the Ickenham Village Conservation Area (CA). The CA is relatively large and primarily comprises residential properties, a number of which including 14 Swakeleys Drive, have long rear gardens. I understand that the appeal site originally formed part of Swakeleys House Estate and was developed during the inter-war period, with properties built following garden suburb principles allowing for long rear gardens and substantial frontages. Such layouts form an important part of the character and appearance of the CA.

5. The appeal site comprises part of the rear garden of a large semi-detached dwelling on the corner of Swakeleys Drive and Court Road. The dwelling is set back from and fronts onto Swakeleys Drive and has a large front, side and rear garden resulting in a spacious and fairly open plot. The length of the rear garden is consistent with other nearby properties on Swakeleys Drive and in the immediate vicinity within the CA. The rear garden is clearly visible from Court Road and allows for views across the site towards generally open rear gardens beyond and makes a positive contribution to the open and verdant character of this particular part of the CA.
6. Court Road is generally characterised by two storey dwellings, including opposite the appeal site. There are however a number of single storey dwellings, including at No 31 adjacent to the appeal site.
7. The proposal would result in a significant reduction in length of the existing rear garden of 14 Swakeleys Drive. The resultant rear garden length would be at odds with the majority of those nearby and the plot size of No 14 would be significantly reduced. Though the position of the proposed two storey dwelling and detached garage would match the building line of No 31, it would span almost the entire width of the appeal site and due to its scale, height and position it would lead to a significant loss of openness and would obscure views across the site. This would be harmful to the character and appearance of the CA. In addition it would appear cramped within the site and in relation to the adjacent dwellings at 14 Swakeleys Drive and 31 Court Road.
8. Though I note that the application for the proposal followed pre-application advice from the Council and that the design and layout was altered prior to submission in an attempt to overcome the Council's concerns, for the reasons stated above it would be harmful to and would fail to preserve the character and appearance of the CA. In reaching my decision I note that the appellant has not submitted a heritage statement to justify the proposal. I also note the presence of a two storey dwelling and more modest plot sizes on the opposite side of Court Road to the appeal site and the appellants' reference to past infill development. However unlike No 14, the corner property on the opposite side of Court Road fronts onto Court Road and not Swakeleys Drive and so circumstances differ between that property and the proposal. In addition I am unaware of the details or particular circumstances relating to any previous infill development and in any event I must determine the proposal before me on its own merits.
9. I consider that the harm to the significance of the CA that would result from the proposal would be less than substantial. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect on the CA in accordance with Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Paragraph 134 of the National Planning Policy Framework (the Framework) states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the proposal would provide an additional dwelling and would provide some modest economic and social benefits, these would not outweigh the great weight to be given to the harm to the heritage asset.
10. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the

area, would fail to preserve the character and appearance of the CA and would not meet the requirements of section 72 of the Act. For the same reasons it would not accord with paragraph 132 of the Framework or with policies BE1 and HE1 of the Hillingdon Local Plan: Part One – Strategic Policies (November 2012) (HLP), policies BE4, BE13 and BE19 of the Hillingdon Local Plan: Part Two – Saved UDP Policies (UDP), policies 3.5, 7.1, 7.4 and 7.8 of the London Plan (LP), to relevant paragraphs of the Framework and to guidance contained within the Mayor of London’s adopted Supplementary Planning Guidance – Housing (March 2016) (Mayor’s SPG) and in the Council’s adopted Supplementary Planning Document HDAS: Residential Layouts (SPD). These policies and this guidance seek, amongst other things, to ensure that new development achieves a high quality of design, makes a positive contribution to the local area and conserves heritage assets including conservation areas.

### *Living conditions*

11. The proposed detached garage would be located close to the common side boundary with the adjacent bungalow at 31 Court Road, with the side boundary marked by a timber fence. There is a bedroom window in the side elevation of No 31 facing the appeal site. The eaves height of the proposed garage is higher than the boundary fence and the garage would, due to its height and proximity to the window, significantly reduce the outlook from and the amount of daylight and sunlight received by the window. This would be harmful to the living conditions of the occupiers of No 31.
12. The proposed dwelling would be located to the rear of the rear elevation and the retained rear garden of No 14, though it would be offset from the rear elevation and from that of the neighbouring property at No 12. The proposed position and height of the dwelling close to the common boundary with No 14 means that it would be a dominant feature which would adversely affect the outlook from the rear elevation and rear garden of No 14 to the detriment of future occupiers of the property.
13. Whilst I have had regard to the concerns raised by the occupiers of No 12, the relative position of the propped dwelling and No 12 means that I do not consider that it would have any significant impact on the amount of light received by or the outlook from No 12.
14. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of adjoining properties having regard to outlook, daylight and sunlight. It is therefore contrary to policies BE19, BE20 and BE21 of the UDP and to relevant guidance in the SPD. These policies and this guidance seek, amongst other things, to protect the living conditions of occupiers of existing houses having regard to daylight and sunlight and to the siting, bulk and proximity of new buildings.

### **Other Matters**

15. There is an existing street tree on Court Road close to the position of the new driveway to serve the proposed dwelling and garage. The tree is not shown on any of the submitted plans and concerns have been raised by the Council’s Trees/Landscaping Officer about the potential impact of the proposal on this tree which is considered to contribute to the character and appearance of the area. Whilst I acknowledge the concerns raised by the Council, as I am

dismissing the appeal based on my findings in relation to the main issues, there is no need for me to reach a conclusion on the effect of the proposal on the street tree as this would not alter my decision.

16. As stated, the proposal would result in an additional dwelling and would provide some modest economic and social benefits. However these benefits would not outweigh the harm that I have identified.

### **Conclusion**

17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

*Beverley Wilders*

INSPECTOR