



Appeal Decision

Site visit made on 26 February 2018

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 April 2018

Appeal Ref: APP/R5510/W/17/3179502

51 Wieland Road, Northwood HA6 3QX

- 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 Nadeem Boghani against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 17990/APP/2016/3166, dated 18 August 2016, was refused by notice dated 28 March 2017.
 - The development proposed is the demolition of existing two storey dwelling and erection of replacement dwelling with a basement and accommodation in the roofspace.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing two storey dwelling and erection of replacement dwelling with a basement and accommodation in the roofspace at 51 Wieland Road, Northwood HA6 3QX in accordance with the terms of the application, Ref 17990/APP/2016/3166, dated 18 August 2018, subject to the following conditions set out in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal property is a large detached dwelling set in a large, open fronted, plot within the Gatehill Farm Estate (the estate). Originally conceived in the style and principles of the 'Garden City' movement, the estate was developed over a lengthy period from the 1930's through to the 1960's, with development continuing on a more sporadic basis into the 1980's.
4. The Character Assessment: Gatehill Farm Estate – Proposed Conservation Area (CA) of the estate describes the area's character as being largely derived from its planned layout, low-density streetscape and large detached houses set within generous plots. The well-stocked gardens and prevalence of hedges, shrubs and trees, visible in front, at the sides and in glimpsed views at the rear of the large houses, give the estate a verdant, sylvan setting.
5. The existing dwelling is described as being from the inter-war period, and therefore a relatively early dwelling in the development of the estate. As such, the CA identifies the 1930's buildings as contributing to the 'arts and crafts' appearance of the area, something that the Council consider to be a distinctive feature of the street scene. However, given the spread of ages of dwellings

- within the estate there is no definitive or consistent style of dwelling, a point acknowledged by the CA.
6. Whilst there is an element of the 'arts and crafts' appearance about the estate the CA also states that the character of the estate is also derived from a number of other factors such as a consistency in layout, the spaces around buildings and the verdant setting which provides a spacious and low-density form of development.
 7. Although occupying a slightly larger footprint area than the existing dwelling, the proposed replacement would be sited so as to retain the open lawned frontage that the property currently presents to Wieland Road. Although it would incorporate a projecting porch forward of the building's main façade, neither the current property nor those elsewhere along the street have flush facades. Moreover, whilst there is a broad consistency in building line along the fronts of neighbouring properties, it is by no means uniform and is broken up by articulation within the facades of the houses.
 8. The Council refer to the proposal as having a cramped appearance by virtue of its design and appearance. However, the proposed dwelling would be narrower than the existing dwelling, being no closer to the plot boundary with No.53 than the existing dwelling, and set in from the boundary with No. 49 when compared with the existing dwelling's flank wall relative to No. 49. Reference has been made to the provisions of the Hillingdon Design and Accessibility Statement (HDAS), citing a failure to achieve a 1 metre inset from the plot boundaries. Reference has also been made to a greater inset requirement of 1.5 metres. However, the proposal would not result in flank walls any closer to the plot boundaries than presently exists and would instead, in relation to No. 49, increase this distance. In any event, the HDAS appears to refer predominantly to residential extensions rather than new-building housing and, for these reasons, I give this matter limited weight.
 9. Moreover, the roof of the replacement dwelling would replicate the hipped roof form of the existing dwelling. This, together with the maintained or increased spaces beyond the flank elevations, would ensure at least comparable levels of openness and spacing between No. 51 and those dwellings on either side of it at ground, first and roof levels. The views to the verdant and well-stocked rear gardens, and the attractive sylvan backdrop that these provide to the houses would therefore be maintained, thereby maintaining the contribution that they, and the dwellings that enable the views, make to the defining elements of the estate's character and appearance.
 10. It is not disputed that the proposed replacement dwelling would have a greater footprint area than the existing dwelling. The Council state that the proposal's footprint would be substantially larger than that of nearby properties as support to their contention that the proposal would result in a cramped form of development. However, I have not been provided with any form of comparison with the nearby properties in terms of footprint area, nor have I been directed towards any policy or guidance that states either threshold figures for increases, or that such eventualities are unacceptable. In any event, for the reasons that I have set out above, I do not consider that the proposal would result in a cramped form of development having considered the proposed dwelling's positioning within the plot compared to the existing dwelling.

11. I accept that the proposed dwelling would not replicate the 'arts and crafts' style of some of the other houses within the estate, nor would it directly pick up on detailed design cues of the existing dwelling. However, given the age spread of houses across the estate and, as a consequence, the varying architectural styles, the proposed dwelling would merely introduce another chapter into that series. Whilst the 'arts and crafts' style is a characteristic of the estate, it is not *the* defining characteristic of the area, and the CA recognises the broad range of factors that contribute to the character and appearance of the estate.
12. The proposal would, in my judgement, harmonise with, and preserve and compliment the estate's prevailing character and appearance in terms of scale, layout, form and materials and preservation of the spacious, low density and verdant sylvan layout. That the proposal would adopt something other than an 'arts and crafts' style would, to my mind, merely reflect the varied architectural styles present across the estate. The proposal would not therefore adversely affect the estate's defining characteristics and there would be no harm to the character or appearance of the area surrounding the appeal property, or to the Gatehill Farm estate ASLC as a whole.
13. Thus, there would be no conflict with Hillingdon Local Plan: Part One – Strategic Policies (LP1) policies BE1 or HE1, or Hillingdon Local Plan: Part Two – Unitary Development Plan Saved Policies (LP2) policies BE5, BE6, BE13 or BE19. Together, these policies seek to secure forms of development that harmonise with the existing street scene or other features of the local area, and align with the provisions of the Framework in recognising the importance of good design. I do not include LP2 policy BE15 in this conclusion however as it sets out principles in relation to the alteration or extension of existing buildings and so is not directly applicable to the proposal before me.

Other Matters

14. I have noted the concerns expressed by the occupier of the neighbouring property, No. 49, in terms of the effect of the proposal upon the rear of that property in terms of outlook and daylight and sunlight. The rear elevation of the proposed replacement dwelling would project beyond the rear of the current property. That projection would however be limited whilst the rear corner of the replacement dwelling would be inset a greater distance from the plot boundary between Nos. 49 and 51.
15. I accept that the proposed dwelling would be of a greater height on this rear corner than the existing dwelling is, and so may have some additional impact in terms upon No. 49 in terms of daylight and sunlight. However, in my judgement this would be limited, the orientation of the existing houses being a greater factor influencing daylight and sunlight at the rear, whilst the outlook from the rear of No. 49 is across an open and generously proportioned rear garden.
16. I note that the Council considered the effect of the proposal upon living conditions of occupiers of neighbouring properties, and that such matters were not reflected in the reason for refusal. Whilst concern has been expressed that the refusal reason set out in the decision notice does not reflect what was discussed during the Council's Committee meeting, I am not persuaded that the effect upon living conditions is sufficient to justify withholding permission in this respect.

17. Concern has been expressed regarding the potential for the proposal to set a precedent for other similar developments. Each application and appeal must be determined on its individual merits, and a generalised concern of this nature does not justify withholding permission in this case. In any event, as I have concluded that the proposal would be acceptable, I can see no reason why it would lead to harmful developments on other sites in the area.
18. I note that the proposal also attracted objections from neighbours in respect of land ownership. However, such a matter is a private one between the parties directly involved and is not a material consideration to which I give any significant weight.

Conditions

19. The Council have requested that the conditions set out in their Committee report are to be treated as their suggested conditions in the event that the appeal should succeed. I have considered the conditions suggested by the Council against the Framework and the provisions of Planning Practice Guidance. Where necessary and in the interests of accuracy I have amended the wording of the conditions. In doing so, I have been mindful so as to ensure that the changes do not prejudice the interests of either main party. In my comments below, I have adopted the numbering convention set out in the Council's submission and referred to the conditions accordingly.
20. I agree that conditions specifying the time limit (condition 1) and the approved plans (condition 2) are necessary in order to provide certainty. I have also imposed a materials condition relating to those to be used in the construction of the hereby approved dwelling.
21. Conditions regarding tree protection (condition 6) and hard and soft landscaping (condition 7) are necessary in the interests of character and appearance. I have however noted the addendum to the Council's Committee report where it provides an updated rewording of a proposed landscaping condition and, mindful of the Council's reasons for suggesting revised wording, have adopted the revised wording in place of the wording in the Committee report itself. Conditions relating to finished ground levels (condition 8) and basement, flood risk and design and access statements (condition 9) are necessary in the interests of character and appearance, living conditions and alleviating the risk of flooding.
22. I have amended the suggested condition (condition 3) regarding a demolition and construction management plan with the addition of reference to tree protection works and direct reference to working hours rather than reference to an informative. I have not imposed the separate condition relating to the sequence of development (condition 4), as this would have largely duplicated the proposed (and amended) condition 3. A condition relating to sustainable water management (condition 5) is necessary in the interests of ensuring a sustainable form of development.
23. The Framework and Guidance state that conditions that seek to restrict permitted development rights should not be used unless there is clear justification for doing so¹ and that such conditions '*will rarely pass the test of*

¹ Paragraph 200

*necessity and should only be used in exceptional circumstances*². Conditions have been suggested that seek to restrict the installation of further doors, windows or other openings in walls or roof slopes facing 14 or 16 Wieland Road (condition 10); ensure the installation and retention of obscurely glazed and non-opening windows facing 49 and 53 Wieland Road (condition 11) and that restrict extensions or roof alterations (condition 12) without first obtaining planning permission.

24. There are windows shown at both ground and first floor levels of the proposed replacement dwelling's side elevations facing towards Nos. 49 and 53. However, having regard to the justification set out within the Committee report, it appears to me that the Council's concerns relate to the upper floor windows which would serve en-suite bathrooms and dressing rooms. I have not imposed condition 10 as it is not clear to me the significance of 14 or 16 Wieland Road or how those properties relate to the appeal proposal, nor have I been directed towards any specific justification for its imposition. I do agree, however, that the provisions of conditions 11 and 12 are reasonable and necessary in the interests of living conditions and character and appearance, respectively, albeit that with respect to condition 11 I have amended the condition to refer to the upper floor windows.
25. I have not imposed conditions relating to pedestrian visibility splays as there would not be any change to the existing access arrangements, or 'Secured by Design' requirements as the necessity for such has not been justified by the Council.

Conclusion

26. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

² Planning Practice Guidance ID 21a-017-20140306 – 'Is it appropriate to use conditions to restrict the future use of permitted development rights or changes of use?'

Schedule of 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: 5205/PL/LP; 00614; 5205/PL/02 Rev A; 5205/A101 Rev J and 5205/A102 Rev K.
- 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 take place until a demolition and construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall detail:
 - (i) A method statement outlining the sequence and phasing of development on the site including demolition, building works and tree protection;
 - (ii) Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.
 - (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing;
 - (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities);
 - (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours);
 - (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process; and
 - (vii) The storage of demolition/construction materials on site.

The approved details shall be implemented prior to the commencement of development on site (where appropriate, necessary and as specified in the demolition and construction management plan), and shall be maintained throughout the duration of the demolition and construction process in accordance with the agreed details.
- 5) No development shall take place until a scheme for the provision of sustainable water management has been submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the

hierarchy set out in accordance with Policy 5.15 of the London Plan and will:

- (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- (ii) include a timetable for its implementation; and
- (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime

The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:

- (iv) provide details of water collection facilities to capture excess rainwater;
- (v) provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall proceed in accordance with the approved scheme

- 6) No development shall take place until 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 have been submitted to and approved in writing by the Local Planning Authority. No site clearance works or development shall be commenced until these drawings have been approved and the fencing has been erected in accordance with the details approved. Unless otherwise agreed in writing by the Local Planning Authority such fencing should be a minimum height of 1.5 metres. The fencing shall be retained in position until development is completed. The area within the approved protective fencing shall remain undisturbed during the course of the works and in particular in these areas:
 - 1. There shall be no changes in ground levels;
 - 2. No materials or plant shall be stored;
 - 3. No buildings or temporary buildings shall be erected or stationed.
 - 4. No materials or waste shall be burnt; and.
 - 5. No drain runs or other trenches shall be dug or otherwise created, without the prior written consent of the Local Planning Authority.
- 7) No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -
 - 1. Details of Soft Landscaping
 - 1.a Planting plans (at not less than a scale of 1:100),
 - 1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2.Details of Landscape Maintenance

2.a Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

3. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

- 8) No development shall take place until details of finished levels relative to the surrounding area have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in complete accordance with the agreed details.
- 9) The development shall be constructed in accordance with the submitted:
 - Basement Construction Statement
 - Flood Risk Assessment
 - Design and Access Statement
- 10) The first floor windows on the side elevations of the dwelling hereby approved (facing towards 49 and 53 Wieland Road) shall be glazed with permanently obscured glass and non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.
- 11) 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 or roof alteration to the dwelling houses shall be erected without the grant of further specific permission from the Local Planning Authority.