The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2019

by A Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 May 2019

Appeal Ref: APP/R5510/W/18/3212491
43 The Drive, Northwood, HA6 1HW

- 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 Mick Malski against the decision of London Borough of Hillingdon Council.
- The application Ref 70975/APP/2018/1295, dated 6 April 2018, was refused by notice dated 26 June 2018.
- The development proposed is erection of two semi-detached houses with associated parking involving demolition of existing building.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form which differs from that on the Council's decision notice. In Part E of the appeal form it is stated that the description of development has not changed and neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

3. The Government has published its Housing Delivery Test results alongside the publication of an updated revised National Planning Policy Framework (The Framework) in February 2019. This includes minor revisions including an additional footnote to Paragraph 11. The Housing Delivery Test outcome for the Council indicates that delivery has been above the requirement over the last three years, which results in no change to the housing position. Consequently, I consider that no prejudice would occur to any parties as a result of me taking the revised Framework into account in my assessment of this appeal.

Application for Costs

4. An application for costs was made by Mr M Malski against the London Borough of Hillingdon Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal site is an area of garden land to the rear of 41 and 43 The Drive. The site is characterised by grassed areas and several mature trees, some of which are contained to the site's periphery but still make a valuable contribution to the area. The site is segregated by a fence from numbers 41 and 43 and access is gained into the site from the turning head to the end of Knoll Crescent.

7. The site itself currently contains two outbuildings as permitted under a Certificate of Lawful Development that was allowed by a previous Inspector. The buildings are of blockwork construction and the larger range appears largely unfinished.

8. Knoll Crescent is a cul de sac of relatively interesting suburban type houses. The architectural design of the houses to the southern arm of Knoll Crescent is holistic throughout with properties utilising uniform timber clad gable elements and staggered terrace forms to give the street some architectural consistency. Alongside this Knoll Crescent is characterised by large trees and front gardens that contribute in a positive manner to the leafy and verdant character of the street scene.

9. I note the Appellants statement that these houses were once part of rear gardens and I also notice the observation that Knoll Crescent is not actually a crescent due to the two parts of the street being divided. I have no evidence before me to suggest why this situation occurred and I am unable give much weight to the fact that Knoll Crescent is named as such. The fact is that Knoll Crescent has a particular character whether it forms a crescent or not.

10. When viewed from the lower reaches of Knoll Crescent the appeal site is relatively well screened by hedges and trees. However, the site forms the terminus of an approach along the street and the landscape character contained within the site creates a pleasing natural backdrop to the great benefit of the area. The mature Ash trees within the site are especially prominent. This allows the natural characteristics of the site to be appreciated from some distance away as the trees are clearly visible above the houses.

11. Therefore, despite the recent construction of the existing, unfinished buildings, the site still contributes in a positive manner to the quality of the local area through its provision of a largely open, natural landscape that is consistent with the previous descriptions of the area as being verdant in appearance.

12. The appeal proposal would create two new semi detached houses approximately upon the footprint of the existing swimming pool building. This would also result in the removal of the existing garage building. I consider that the removal of the garage would be of neutral benefit to the overall character of the site, as in its place would be vehicular hardstanding. Therefore I consider that any benefit of the removal of a garage within which to park cars, would be negated if replaced by vehicles that are in the open and clearly visible. Similarly the removal of the existing swimming pool building would have a slight negative effect due to the intention to replace this building with another that is larger and as such there is no benefit to be obtained.

13. There are a number of trees within the site which are covered by a Tree Preservation Order (TPO)[1] T124. I note that despite a tree survey supplied by the appellant where Ash trees T40 and T41 have been shown for retention, the proposed site plan (drawing no. 17/3088/04 rev C) does not show these trees as being retained.

14. The tree survey report supplied by the Appellant also clearly has some concerns with regards to the proximity of development to these trees and as a result 'Geo-Web' construction has been suggested within the 9 metre root protection area. I note that the excavation required in order to site the proposed building would be very close, if not within, this root protection area as shown on plan 707.17.3 of the Tree Survey report.

15. These Ash trees (T40 and T41) form a fundamental aspect to the positive and natural appearance of the site and area and this is reflected in their protected status. Despite the Council's committee report being satisfied that these trees would be unaffected, the proposed plans show their removal. As such by allowing this appeal I would be conceding the loss of these important trees which would not be appropriate or acceptable as this would greatly undermine the character of the area.

16. With regard to wider urban design issues, Knoll Crescent is a relatively uniform street with some architectural merit obtained through its use of consistent materials and forms. The wider locality of The Drive appears to be more of a mix of housing styles ranging from early Arts and Crafts houses to later, more suburban properties. The proposed houses slightly echo the aesthetic of the existing properties on Knoll Crescent and there is some reflection of earlier Arts and Crafts style dwellings. The properties would also be set within the site with a lower roof form that lessens the buildings' height.

17. Despite the presence of the existing swimming pool, the proposed houses would still cause harm to the openness of the site and its overriding landscape character. The existing buildings are ancillary and small scale. However, despite eaves lines being similar and the removal of the garage, the proposed houses would still cause harm to the open character of the site. This would be most obvious through the potential impact upon trees and the removal of substantial amounts of earth from the plot of the proposed houses in order to reduce their height.

18. The result would be an extension of the cul de sac of Knoll Crescent into this site with a continuous line of building complete with frontage parking provision for four vehicles. Such a development would further reduce the dominance of the now well recognised open and verdant character of the site and cause more serious harm to the character and appearance of the area that would not be outweighed by the improved design of the proposed building.

19. I conclude on this issue that the proposal would cause substantial harm to the open and verdant character of the area through the impact upon protected trees and the harm to the contribution that the site makes to the character of the area. As a result of such serious harm the proposal would conflict with policy presumptions against the development of garden land as contained within Policy 3.5 of The London Plan, Policies BE1, BE13 and BE19 of the

[1] TPO 124 covers individual trees within the properties of nos. 35 to 49 The Drive and the application site contains individual trees T35 to T49. The site also contains a protected group of 5 trees labelled G.2. within the order

Hillingdon Local Plan that seek to protect the important contribution that residential gardens make to the character and appearance of areas in which people live.

Other Matters

20. At the request of the occupiers I visited 41 The Drive. I consider that the ridge of the proposed houses would be a similar height to the existing swimming pool building and that there would be little further impact upon the living conditions of these residents through dominance or overlooking. However the potential loss of the two mature Ash trees as shown on the proposed site plan would lead to some modest harm to the outlook and proximity to nature that the residents of No 41 currently enjoy.

21. Policy 3.5 of The London Plan states that London Boroughs may introduce guidance to resist inappropriate development upon residential gardens where this can be locally justified. There is no such specific guidance before me but clear harm has been identified through the development of this site upon the character and appearance of the area and as such the development, in its current form, upon this residential garden will be harmful.

22. The proposal would provide 2 dwellings within a relatively sustainable location. However this would be a limited contribution to housing supply in the area and these limited benefits would not outweigh the substantial harm identified in respect of character and appearance.

Conclusion

23. Overall in the planning balance I find that the benefits of the development do not outweigh the harm that I have identified or the conflict with the development plan. For the reasons given above, and taking account of all material planning considerations, I conclude therefore that the appeal should be dismissed.

A Graham

INSPECTOR