



Appeal Decision

Site visit made on 15 July 2019

by **Peter D Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2019

Appeal Ref: APP/R5510/W/19/3226156

Land adjacent to 10 Turnstone Close, Ickenham UB10 8QS

- 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 D Caruso and M Robinson against the decision of the London Borough of Hillingdon Council.
 - The application Ref 74303/APP/2018/3920, dated 5 November 2018, was refused by notice dated 4 April 2019.
 - The development proposed is erection of detached dwelling and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for erection of detached dwelling and associated works on Land adjacent to 10 Turnstone Close, Ickenham UB10 8QS in accordance with the terms of the application, Ref 74303/APP/2018/3920, dated 5 November 2018, and subject to the conditions at Schedule A.
2. An application for costs was made by D Caruso and M Robinson against the London Borough of Hillingdon Council. This application is the subject of a separate decision.

Preliminary Matters

3. The proposal is chargeable development in respect of the Community Infrastructure Levy (CIL). The collection of the CIL contribution is undertaken by the relevant charging authority on service of a notice that planning permission has been granted in relation to chargeable development. As such the requirement for and any enforcement of the payment of a contribution in relation to the development is not for consideration at this appeal.
4. The Council's decision notice included a second reason for refusal relating to internal space standards in the proposed house. It is clear from the evidence before me that this reason was included in error and that the Council's Planning Committee took its decision on the basis of the effect on character and appearance only. I have therefore not considered the second reason for refusal in determining the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property, Turnstone Close and the Ickenham Village Conservation Area.
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Reasons

Character and appearance

6. The appeal site sits to the rear of No 111 Long Lane which is one of several pairs of traditionally designed, 2 storey, semi-detached properties faced in brick and render with faux half-timbered gables. The proposed house would occupy the rear portion of No 111's plot on the site of a derelict swimming pool. It would be adjacent to a modern cul-de-sac of 2 storey, semi-detached houses and short terraces – Turnstone Close – which are mainly finished in red/brown brick and tile. The properties on Long Lane, including No 111 and the appeal site, lie within the Ickenham Village Conservation Area with the Conservation Area boundary running along the south western appeal site boundary. The character of Long Lane is typical of the so-called 'metroland suburbs' where development extends along key roads, like Long Lane, close to the suburban railway stations. Turnstone Close is a piece of modern infill development behind the frontage development on Long Lane.
7. The Council in both the existing *Hillingdon Local Plan Part 2* which comprises the saved policies of the *Hillingdon Unitary Development Plan* (UDP) and in the emerging *Hillingdon Local Plan Part 2* (HLP Pt2) which is now at an advanced stage, seeks to control the development of garden land. Policy DMH6 in the emerging HLP Pt2 in particular presumes against such development because of the role it plays in maintaining local character, amenity space and biodiversity. However both UDP Policy H12 and the emerging Policy DMH6 (exceptionally) do allow for residential development on garden land in principle where the criteria set can be met. I consider in the paragraphs below whether these criteria would be met.
8. It has been put to me that the development would be at odds with the urban grain and development pattern of the area by taking open garden land to the rear of No 111 which extends down to the railway line. However the appeal documentation and my observations on site show that the development pattern to the rear of Long Lane is at best inconsistent. The evidence before me suggests that the depth of plots at the time the suburb was established was not as it is now where additional land has been added to extend gardens down to the railway in the 1960s. Whilst this has resulted in some deep plots, as with No 111 and its northern neighbours, some have seen development taking place within them. Substantial structures exist in the depth of the gardens to Nos 105 and 107, albeit single storey, both within the Conservation Area. New 2 storey houses have been developed in the backland to the south of No 83 Long Lane also within the Conservation Area and within the setting of listed buildings at Nos 85-89 Long Lane. Moreover the development of Turnstone Close itself infills the backland behind Long Lane south of No 111 although I accept this is not within the Conservation Area.
9. The plot sizes that would remain for both the existing house and the new house would be not dissimilar to those of the properties on Long Lane backing onto Turnstone Close and those of Turnstone Close itself. Moreover the proposed house would be positioned on the new plot to maintain side separation, maintain adequate separation to the rear elevation of No 111, and would deliver useable garden space for both properties and parking/turning area for the new house. It would not therefore constitute overdevelopment of the site.
10. It has been put to me that the house would appear at odds with its surroundings and particularly with Turnstone Close. The scale and mass of the house is designed

to be in keeping with No 111 being slightly subservient to it and therefore more intimate as required by HLP Pt 2 Policy DMH6 and, although detached, would be similar in scale and height to the properties in Turnstone Close. The architectural design of the house seeks to respond to the period 'metroland' suburban style of the Long Lane properties and gives priority to being in keeping with the style of the properties within the immediate vicinity in the Conservation Area incorporating a typical front gable feature. Whilst this means it would appear different in style to the modern, simpler design of Turnstone Close, a closer relationship could be achieved by ensuring through a materials condition that matching bricks and tiles were used helping the new development to blend with Turnstone Close. With this in place I am satisfied that the difference in design between the new house and the rest of Turnstone Close would not result in an adverse impact on the character and appearance of the Close.

11. The house would be viewed in the context of other properties in the Conservation Area from the north end of Turnstone Close. However from this viewpoint I am satisfied that with a landscaping condition and because of the proposed design the new dwelling would not appear at odds with the character and appearance of this southern edge of the Conservation Area.
12. In views from within the Conservation Area on Long Lane the positioning of the properties fronting Long Lane means that there would only be glimpsed views of the roof of the new dwelling and its gable. As the design reflects the period and style of the frontage properties on Long Lane and would retain perimeter trees, these glimpsed views would not be detrimental. In any event there are already glimpsed views of the Turnstone Close properties from Long Lane between houses and the addition of the new dwelling on the same building line would not be any different.
13. For the above reasons the proposal would not be harmful to the character or appearance of the Conservation Area or its significance and would at least preserve it. As such the requirements of paragraphs 193 to 196 of the *National Planning Policy Framework* (the Framework) would be met and there would be no conflict with Policy HE1 of the *Hillingdon Local Plan Part 1 2012* (HLP Pt1) which seeks to ensure that Hillingdon's heritage environment including the 'Metroland suburbs' is conserved and enhanced. Similarly saved UDP Policy BE4 requiring new development within or on the fringes of Conservation Areas to preserve or enhance their special architectural and visual quality would not be conflicted.
14. Policy BE11 of the HLP Pt 1 seeks high quality design in development that is appropriate to the identity and context of Hillingdon's townscapes amongst other things. I accept that the proposal would constitute development of garden land which Part 9 of the policy seeks to control but for the reasons above the development would not be inappropriate in the context and would not erode the character of the area. Moreover as the house would be almost entirely located on the site of the derelict swimming pool and its decking there would be no adverse impact on biodiversity. Provided a condition requiring landscaping was imposed on any permission the landscape character of the area would not be adversely affected.
15. Specifically in respect of Policy H12 and emerging Policy DMH6 referred to above and relating to backland development there would be separate access from the rear on Turnstone Close avoiding impact on character and amenity that can arise from access to backland development. As stated above the scale of development would be modest and would be subservient to the principal property on Long Lane.

The house being located on a part of the garden previously developed for a swimming pool would not have an adverse effect on trees, shrubs and wildlife and, subject to a landscape condition, would maintain the green character of the backland. As such the criteria of Policy H12 and emerging Policy DMH6 would be met.

Other Matters

16. Third party objections have been received expressing concern over a number of other matters regarding access and parking arrangements, impact on daylight and outlook for neighbouring occupiers and potential noise and disturbance from the construction process.
17. Regarding access and parking, the evidence before me demonstrates that access would be provided to the site via Turnstone Close and that a pedestrian and vehicle right of way to the rear of No 111 Long Lane exists over the shared access drive at the north end of Turnstone Close. Even if it did not, the matter of whether or not there is a right of access or whether there is a ransom strip, as stated by objectors, is a private legal matter which would not preclude planning permission being granted although it may affect the implementation of any permission. The proposal would provide two off street parking spaces plus turning area on the appeal site which would mean that cars could enter and leave the site in forward gear and would not therefore be manoeuvring within the highway immediately outside the site. I am satisfied therefore that the development would not give rise to parking congestion or result in obstruction on Turnstone Close.
18. In respect of the proposed positioning, given that the new dwelling would be positioned on the north-east side of the adjacent property at No 10 Turnstone Close and behind a substantial evergreen screen south of No 109's garden there would be no overshadowing or loss of sunlight. The new house would align with the front building line established by No 10 and although it would extend slightly further back behind No 10 (about 2.6 metres) to the rear this would protect the area of rear garden closest to the rear of No 10 from overlooking without being overbearing on outlook from the rear windows of No 10.
19. Finally, regarding noise and disturbance, the construction stage would normally be a relatively short process. Subject to the imposition of a condition requiring a construction method statement to be agreed in the event that permission were granted, any short term noise and disturbance from the construction process would be effectively controlled.

Conditions and Conclusion

20. The Council suggested a number of conditions, which I have considered in the light of the advice in the Framework and *Planning Practice Guidance*. In some cases I have edited the suggested condition for clarity and enforceability. A condition requiring development to be carried out in accordance with the submitted plans is necessary in the interest of certainty. Control of the materials to be used on the exterior of the dwelling is also necessary to ensure that the character and appearance of the Conservation Area is not harmed and that the new property blends appropriately with the existing houses in Turnstone Close.
21. As stated above a landscaping scheme would be necessary to ensure that the 'leafy' landscape character of the garden backland is retained. It has been put to me by the appellants that the condition is unnecessarily complicated. I have taken

the opportunity to simplify the condition slightly but, whereas the appellant has proposed separate conditions for implementation and maintenance of the landscaping scheme and cycle storage and boundary treatment, the Council's condition includes these within the one condition. I do not therefore consider there is any significant difference in the two approaches and the Council's proposed condition adequately covers the matters that need to be controlled.

22. The Council has requested a condition seeking the submission of a detailed tree survey and tree protection scheme. However the appellant has already provided a full arboricultural impact assessment as part of the application documents that shows that no trees will be adversely affected by the proposal subject to recommendations for their protection. The only matter that needs to be dealt with through the condition is that the recommendations of the arboricultural statement are implemented and protection measures for the trees are put in place before the start of construction. As the need for this has been agreed in the appellants' statements there is no need for me to seek specific clearance for such a pre-commencement condition.
23. The Council have proposed a condition to deliver pedestrian visibility splays in association with the access but it is not clear whether what they propose to condition can be delivered or is necessary. However it is important that the access from the driveway into Turnstone Close is appropriately designed to ensure highway safety. I therefore propose that a more general condition requiring submission of access details would be more appropriate. The provision of on-site parking and turning provision is also important in order that the development would not give rise to congestion within Turnstone Close and to reassure neighbouring occupants that appropriate provision is made for parking. Accordingly a condition is necessary to ensure these facilities are in place prior to the first occupation of the house.
24. Given that the proposed house would sit to the rear of No 111 and close to other properties it would be inappropriate for it to be altered or extended without permission, as could happen under permitted development (PD) rights. Therefore it is necessary to remove some PD rights by condition. However PD rights should only be removed exceptionally and it is principally Classes A to C and Class E of Part 1 to Schedule 2 that could have detrimental impacts on neighbouring occupants if taken up. I have therefore restricted the condition to these classes. This condition has not been proposed by the Council but the parties were consulted on this addition and no objections have been raised.
25. Given the positioning of the site and the access to it, it will be important to control the construction stage to ensure that the impact of building work on neighbouring occupants is minimised. To that end I have imposed a condition requiring submission of a construction method statement which would be observed throughout the construction of the dwelling. This condition has not been proposed by the Council but the parties were consulted on this additional pre-commencement condition and no objections have been raised.
26. I have considered the matters before me and, notwithstanding that the proposal would result in development in a backland location, for the reasons given above, I conclude that the proposal would not result in undue harm to the character of the area generally and the Conservation Area in particular or to the living conditions for neighbouring occupants. It would be acceptable as an exception to the Council's policy presumption restricting such development and the appeal should

be allowed. Permission is granted for the new dwelling subject to the conditions set out in Schedule A.

P. D. Biggers

INSPECTOR

Schedule A – Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of approval.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 17/402/P01; 8232/1.10B; 8232/1.11A; 8232/1.13A; 8232/1.14A.
- 3) No development above ground (floor slab level) shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The dwelling shall be constructed in accordance with the details thus approved and all approved samples shall be retained on site during the course of the works.
- 4) No development above ground (floor slab level) shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -
 - A. Details of Soft Landscaping including:-
 - A.i Planting plans (at not less than a scale of 1:100),
 - A.ii Written specification of planting and cultivation works to be undertaken including a schedule of plants.
 - B. Details of Hard Landscaping including:-
 - B.i Refuse Storage (inc. elevations if appropriate)
 - B.ii Cycle Storage (inc. elevations if appropriate)
 - B.iii Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - B.iv Hard Surfacing Materials
 - B.v External Lighting
 - C. Details of Landscape Maintenance:-
 - C.i Landscape Maintenance Schedule for a minimum period of 5 years.
 - C.ii Proposals for the replacement of any tree, shrub, or area of turfing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.The development hereby permitted shall be carried out and maintained in full accordance with the approved details.
- 5) Prior to any work commencing on site, the preliminary tree works and tree protection measures recommended in the Arboricultural Impact Assessment dated January 2019 (ref EAS-001) shall be implemented and protection measures retained in place until the completion of the construction stage.
- 6) No development above ground (floor slab level) shall take place until details of the vehicular access have been submitted to and approved in writing by the Local Planning Authority and the access to Turnstone Close constructed in accordance with the details thus approved.

7) Prior to the first occupation of the dwelling hereby permitted the two car parking spaces and turning area shown on the approved plans shall be provided. The car parking spaces and turning area shall be retained available for the parking and manoeuvring of two cars at all times.

8) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking and re-enacting that Order, no development within Part 1 (Classes A-C and E) of Schedule 2 of that Order shall be carried out without the grant of planning permission having first been obtained from the Local Planning Authority.

9) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- the parking of vehicles of site operatives and visitors;
- loading and unloading of plant and materials;
- storage of plant and materials used in constructing the development;
- the erection and maintenance of security hoarding
- wheel washing facilities;
- measures to control the emission of dust and dirt during construction;
- a scheme for recycling/disposing of waste resulting from demolition and construction works;
- delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.