



Appeal Decision

Site visit made on 18 November 2019

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/R5510/W/19/3235156

30 Long Lane, Ickenham UB10 8TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Keith Darbyshire against the Council of the London Borough of Hillingdon.
 - The application Ref 31249/APP/2018/3311, is dated 13 September 2018.
 - The development proposed is erection of part single, part two-storey side & rear extension, creation of 3 no. dormer windows to rear plus alteration to the front & rear gardens and new dropped kerb, to facilitate a new layout to the existing flats.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of part single, part two-storey side & rear extension, creation of 3 no. dormer windows to rear plus alteration to the front & rear gardens and new dropped kerb, to facilitate a new layout to the existing flats at 30 Long Lane, Ickenham UB10 8TA in accordance with the terms of the application Ref 31249/APP/2018/3311 dated 13 September 2018 and subject to the conditions set out in the Schedule at the end of this decision.

Application for Costs

2. An application for costs was made by Mr Keith Darbyshire against the Council of the London Borough of Hillingdon. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed, and I note the appellant's concerns in respect of an error in a description as used by the Council. Accordingly, I have used the one given on the original application.
4. Notwithstanding the above, various descriptions of the development have been used throughout the course of the application and subsequent appeal, including in the notifications sent to third parties and consultees. However, the notification letter sent out by the Council in respect of this appeal uses a

description of development which accurately reflects the development as proposed. I therefore consider that the interests of interested parties would not be prejudiced by my consideration of the appeal on the basis of the description of development as set out in the banner heading.

Background and Main Issue

5. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. The Council has provided a delegated decision report which includes a recommended reason for refusal on the basis of the design of the extensions and their effect on the existing and adjoining buildings, the street scene and the Ickenham Village Conservation Area (CA).
6. I therefore consider that the main issue in this appeal is the effect of the proposal on the host building and the streetscape, with due regard to the CA.

Reasons

7. The appeal site is a detached building located at the junction between Long Lane and Almond Avenue. Due to this location the site is relatively prominent within the street scene. The site is within a CA, the character of which is derived from the historic village of Ickenham with the historic house of Swakeleys at its heart and an area of open land, with infilled areas of suburban development dating from the 1920s. The appeal site is within the area of suburban development, though the building appears to be more recently built compared to nearby dwellings. The evidence suggests that the site was used as offices but is now subdivided into 4 flats.
8. The proposal involves a number of extensions and alterations to increase the extent of accommodation, although the number of residential units would remain the same. The Council expresses concern that a 2-storey extension to the side would reduce the current spacious character of the plot. However, I saw that other 2-storey dwellings in the area have a similar degree of proximity to site boundaries as would result from the appeal proposal. This includes a dwelling adjacent to a junction elsewhere on Almond Avenue where the building is in a similarly prominent position.
9. I also saw that there is not a clear building line or pattern of development along this side of Almond Avenue. The area to the rear of the appeal site consists of the rear gardens of properties facing onto Milton Court and due to this arrangement the building line is not well-defined or readily apparent in views along Almond Avenue.
10. The Council also expresses concern that the flank wall of the proposal would be of an imposing scale. However, the wall is set back from the boundary with Almond Avenue at ground floor level, and a further set back is proposed at first floor level and above. Whilst I acknowledge that the flank wall would be prominent in views along Almond Avenue, the stepped back design would mitigate any visual harm, particularly when viewed in the varied context of dwellings in the surrounding area.
11. Reference has been made to the size of the dormer windows on the rear roofslope. However, the dormer windows would not be overdominant features in relation to the roofslope as a whole and I note that the two dormers nearest the gables are narrower than the windows below at first floor level. Whilst the dormer windows would be prominent features on the building, I do not consider

that they would be overdominant or incongruous features either in relation to the host building or within the relatively varied context of the wider area.

12. Furthermore, I also consider that there are elements of the proposal which would improve the appearance of the site, particularly the provision of a garden on part of the frontage which would replace a stark area of hard surfacing near to the junction.
13. I conclude that the proposal would not harm the character and appearance of the host building or the streetscape and would preserve the character and appearance of the CA. The proposal would therefore not conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies 2012; Policies BE4, BE13, BE15 and BE19 of the London Borough of Hillingdon Unitary Development Plan Saved Policies 2007; and Policies DMHB 4 and DMHB 11 of the emerging Hillingdon Local Plan: Part 2 - Development Management Policies with Modifications 2019. Taken together, these policies seek to ensure that the design of new development maintains the quality of the built environment, with due regard to conserving and enhancing the heritage environment including conservation areas, amongst other things. The proposal would also not conflict with the advice of the Residential Extensions Supplementary Planning Document 2008.

Other Matters

14. I have had regard to the comments raised locally in relation to the proposal. A number of comments refer to 6 flats being proposed at the site. However, it is clear from the evidence before me that the proposal would consist of 4 flats.
15. A number of residents have referred to parking congestion in the area. However, the proposal would provide 4 off-street parking spaces and I consider that this is a suitable level of parking provision for the number of units proposed in this location. Whilst the proposal may increase traffic movements from the site, I consider that any increase would be limited and would not lead to material harm to highway capacity. I note that this reflects the comments of the Council's Highways Officer.
16. On the matter of the provision of gardens and green space for the proposal, private gardens would be provided for two of the flats, with the remaining two flats sharing a communal garden. The Council has concluded that the proposal would provide suitable external amenity space for the proposed 4 units and based on the evidence before me I see no reason to disagree.
17. Concerns have been expressed in relation to the proposed bin storage, and I saw that the storage of bins to the front of properties was not a common feature in this area. However, this matter can be addressed by an appropriate condition requiring a scheme for the storage of bins to be approved.
18. The proposal may affect trees which contribute to the pleasant suburban character of the area, including a street tree to the side of the site. However, concerns regarding the effect on these trees can be addressed by a condition requiring the submission and implementation of a scheme of tree protection.
19. With regards to overlooking from the proposal, the arrangement of the site and separation distances from nearby properties would not lead to undue loss of privacy for neighbouring residents, even allowing for the elevated view which would be provided by the dormer windows to the rear.

20. Whilst the proposal may increase the number of residents at the site, there is no substantive evidence before me that this would increase the demand on drains in the area to a degree that would warrant the refusal of planning permission.
21. A covenant which may relate to part of the site is a private matter which does not fall within the remit of this planning appeal.

Conditions

22. The Council has suggested a number of conditions, which I have considered in the light of the advice in the National Planning Policy Framework and Planning Practice Guidance. In some cases I have edited the suggested condition for clarity and enforceability and to avoid the need for pre-commencement conditions.
23. In addition to the standard 3 year time limitation for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty. Conditions in respect of materials and means of enclosure are appropriate in the interests of character and appearance. A condition regarding cycle parking is appropriate in the interests of sustainable transport. A condition in respect of refuse storage is required in the interests of the living conditions of future residents as well as character and appearance.
24. A condition in respect of sound proofing is required in order to safeguard the living conditions of future occupants. A condition in relation to the protection of trees is required in the interests of the character and appearance of the area and biodiversity. These details should be submitted and approved at the pre-commencement stage so that appropriate measures can be assessed at an early stage and not ruled out by building operations.
25. A condition in relation to hard landscaping as suggested by the Council's Trees and Landscaping Officer is appropriate in the interests of character and appearance. However, a condition in respect of soft landscaping is not required as this has been appropriately addressed on the approved plans and there is little opportunity to provide this outside of private land.

Conclusion

26. For the reasons given above, and taking account of all material planning considerations, I conclude that the appeal should be allowed.

David Cross

INSPECTOR

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:
 - Proposed Location Plans - LONLA-L301 – Rev A
 - Proposed Front & Rear Elevations - LONLA-E301 – Rev B
 - Proposed Side Elevation 1 - LONLA-E302 – Rev B

- Proposed Side Elevation 2 - LONLA-E303 – Rev A
 - Proposed Block Plan Vehicular Crossover – LONLA-L302 - Rev B
 - Proposed Ground Floor Plan - LONLA-P301 – Rev C
 - Proposed First Floor Plan - LONLA-P302 – Rev C
 - Proposed Loft Plan - LONLA-P303 – Rev C
 - Proposed Roof Plan - LONLA-P304 – Rev B
 - Proposed Section AA - LONLA-S301 – Rev A
- 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.
- 4) No site clearance, preparatory work or development shall take place until a scheme for the protection of every tree to be retained on the site and on land adjacent to the site (including street trees) and the appropriate working methods in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved.
- 5) Prior to the commencement of development hereby approved, details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between each of the floors shall be submitted to the local planning authority for written approval. The approved sound proofing scheme shall be implemented in full prior to the occupation of the development.
- 6) Prior to the occupation of the development hereby approved, details of hard landscaping (including materials to be used) shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the hard landscaping has been provided in accordance with the approved details.
- 7) Prior to the occupation of the development hereby approved, details of facilities to be provided for the screened storage of refuse bins within the site shall have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until the facilities have been provided in accordance with the approved details and thereafter the facilities shall be permanently retained.
- 8) Prior to the occupation of the development hereby approved details of covered and secure cycle storage shall have been submitted to and approved in writing by the Local Planning Authority. The facilities shall be provided in accordance with the approved details prior to the occupation of the development and thereafter permanently retained.
- 9) Prior to the occupation of the development hereby approved a detailed scheme for boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority. The boundary walls, fences or other means of enclosure as approved shall be erected before the development hereby permitted is occupied.

End of Schedule