
Appeal Decision

Site visit made on 11 February 2020 by Emma Worby BSc (Hons) MSc

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2020

Appeal Ref: APP/R5510/D/19/3240631

21 Nicholas Way, Northwood HA6 2TR

- 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 Siwji against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 22734/APP/2019/2549, dated 31 July 2019, was refused by notice dated 30 September 2019.
 - The development proposed is a new vehicular crossover and driveway, and new wrought iron gates to match previously approved gates. Existing access to be retained to create an 'in and out' drive.
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Decision

1. The appeal is allowed and planning permission is granted for a new vehicular crossover and driveway, new wrought iron gates to match previously approved gates, and existing access to be retained to create an 'in and out' drive at 21 Nicholas Way, Northwood HA6 2TR in accordance with the terms of the application, Ref 22734/APP/2019/2549, dated 31 July 2019, subject to the following 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: 1304/P2/1 and 1304/P2/2.
 - 3) The development shall only be carried out in accordance with the details submitted within the Arboricultural and Planning Integration Report, reference GHA/DS/12260:18, dated 15 November 2018 and the Tree Protection Plan, dated November 2018. No alterations or variations to the details shall be made without the prior written consent of the local planning authority.

Appeal Procedure

2. The site visit was undertaken by an Appeals Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matter

3. The Councils reason for refusal included reference to Policies BE19 and BE38 of the Hillingdon Local Plan Part 2: Saved UDP Policies (2012). However, the

Council have confirmed that the Hillingdon Local Plan Part 2: Development Management Policies (DMP) was adopted on 16 January 2020, and therefore these policies have been superseded and cannot be given weight. However emerging policy DMHB14 was also referred to in the decision letter and this has now been adopted as part of the DMP.

Main Issue

4. The main issue in the appeal is the effect of the proposed development on two protected Oak trees.

Reasons for the Recommendation

5. The appeal property is a detached dwelling which is currently under construction, replacing a bungalow. There is currently a driveway and vehicular access onto Nicholas Way, however the proposal would create an additional vehicle crossover onto Nicholas Way and additional hardstanding to create an 'in and out' driveway. Two protected Oak trees would be located in close proximity to the proposed development with one tree in the middle of the front garden and the other on the street adjacent to the proposed crossover. The trees are large in size and highly visible from the public realm, providing significant amenity value to the overall streetscene.
6. The proposed extension to the driveway and the crossover onto Nicholas Way would encroach into the root protection area of both protected Oak trees (labelled as T1 and T7 on the Tree Protection Plan, November 2018). It would be of a permeable cellular construction allowing air and moisture to penetrate the ground below. The arboricultural report submitted with the planning application details tree protection measures to be carried out during construction including a no dig surface construction method, tree protection barriers and on-site supervision. These measures are similar to those proposed in relation to the works to the exiting driveway consented by the previous planning permission for the replacement dwelling, but are over a larger area to create the additional access. A small area would require some excavation to link the driveway to the highway, but this would be hand dug.
7. I consider these measures sufficiently demonstrate that the construction of the proposed development would have a limited impact upon the health and wellbeing of the Oak trees and would therefore not be detrimental to the streetscene.
8. It is noted that the Council have mentioned that the current tree protection on the site, during the construction of the main dwelling, is considered to be inadequate. However it is open to the Council to take action if the measures are not in accordance with details supplied pursuant to the previous conditional planning permission, and this has no bearing on my consideration of this case.
9. The Council have raised no concerns regarding any other aspect of the proposed development and I have no reason to come to a view contrary to this.
10. For the reasons above, I conclude that the proposed development would not be harmful to the two protected Oak trees. It would therefore not be contrary to Policy DMHB14 of the DMP which ensures that new development retains or enhances existing landscaping and trees and demonstrates how trees will be protected. The proposal would also not conflict with the guidance in the SPD

'Hillingdon Design and Accessibility Statement' (2008) which although details guidance for front gardens and parking, does not specifically refer to the protection of existing trees.

Conditions

11. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans as this provides certainty. A condition requiring the use of materials matching that of the existing building was requested by the Council, however due to the nature of the proposed development this is not considered necessary. I have included a condition to ensure that the works are carried out in accordance with the submitted tree protection plan. This condition is considered to be necessary to protect the Oak trees during the construction of the proposed development.

Conclusions and Recommendation

12. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is allowed.

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeals Planning Officer's report and on that basis the appeal is allowed

Andrew Owen

INSPECTOR