
Appeal Decision

Site visit made on 27 February 2020

by N Holdsworth MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2020

Appeal Ref: APP/R5510/W/19/3243112

Land at Field End, Ruislip, London, HA4 6UW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Sond Construction against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74788/APP/2019/1443, dated 23 April 2019, was refused by notice dated 12 June 2019.
 - The development proposed is application seeking Permission in Principle (PIP) for residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal proposal is for Permission in Principle. In accordance with the Town and Country Planning (Permission in Principle) (Amendment) Order 2017, the scope of this assessment is limited to location, land use and the amount of development.
3. The London Borough of Hillingdon Local Plan Part 2 Development Management Policies was adopted in January 2020 ("adopted local plan"). Policies in the Hillingdon Local Plan: Part 2 - Saved UDP Policies, as cited on the Council's decision notice, are no longer part of the development plan. The Supplementary Planning Document HDAS: Residential Layouts has also been withdrawn. I have dealt with the appeal accordingly.
4. Additional information was submitted with the appeal. I have considered whether to accept this information in accordance with the principles set out in the Planning Inspectorate Procedural Guide: Planning appeals – England (March 2020).
5. Illustrative Plans. The Council's decision was based solely on a red line plan with no depiction of the proposed development. This is what interested parties were asked to comment on, and no objections were received from neighbouring residents. The plan at appeal stage depicts a residential development scheme. This would evolve the proposal to an unreasonable degree; prejudicing the interests of neighbouring residents who would not have been aware of the illustrative plan when originally consulted on the proposal. This information is not necessary to consider whether the proposal is acceptable in principle. Consequently, I have not taken it in to account and

based my decision solely on the plan originally submitted to and considered by the Council.

6. Flood Risk. Further technical information was submitted with the appeal, which primarily sets out technical information in the form of a sequential test that seeks to demonstrate the location of the site is acceptable in principle. The Council provided detailed comments on the Flood Risk Assessment (FRA) in the course of the appeal. As this is an application for permission in principle, were the appeal to succeed any further detailed flood risk alleviation measures would fall to be considered at technical details stage. This could involve the engagement of neighbouring residents and interested parties, none of whom objected to the development on the grounds of flood risk. Consequently, no interests would be prejudiced by the acceptance of this information. Exceptionally the FRA can therefore be accepted. I have had regard to it in this decision.

Main Issues

7. The main issues in this appeal are whether the principle of development is acceptable in relation to i) flood risk and ii) the character and appearance of the area, including the provision of parking and amenity space.

Reasons

Flood Risk

8. The site falls within flood zone 2. The National Planning Policy Framework ("the Framework") requires that proposals at risk of flooding should pass a sequential test, demonstrating that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. Policy DMEI 9 of the adopted local plan confirms this test applies to development proposals in flood zone 2.
9. It is envisaged up to 9 units would be delivered. This is a small, windfall site which is not specifically allocated for residential development in the development plan. The FRA submitted with the appeal considers other sites allocated in the London Borough of Hillingdon Local Plan Part 2: Site Allocations and Designations document ("Allocations Local Plan"). It concludes that none are suitable or available for the proposed development.
10. However, the FRA does not go on to consider whether there are other small, unallocated sites within the surrounding area with a lower risk of flooding which could accommodate the type of development being proposed. As such the evidence before me is insufficient to conclude with certainty that the sequential test has been passed. Given the vulnerability classification of the residential development proposed to be sited within flood zone 2, the exception test is not required.
11. The Allocations Local Plan states that the Council expects 870 units to be delivered from such small sites over the first five years of this plan. However, on the evidence before me, there is no development plan policy that specifically endorses such development in flood zone 2, demonstrates that such sites have been subject to the sequential test or overrides the need to carry out a sequential test where such development is proposed.

12. Whilst other development sites within the Borough have been allocated in flood zone 2 for various purposes, it does not inevitably follow that all development is acceptable in such designated areas of flood risk. None of the evidence before me, including the various excerpts provided from the Strategic Flood Risk Assessment, overrides the need to follow the sequential test in the circumstances of this proposal. Paragraph 162 of the Framework sets out that on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. This is not such a site.
13. It is argued that there are no recorded instances of the site flooding. Furthermore, various flood mitigation measures could be proposed at technical details stage. However, these considerations do not overcome the failure to meet the sequential test, given the location of the site within flood zone 2.
14. Consequently the sequential test has not been met and the proposal is therefore unacceptable in relation to flood risk. The proposal conflicts with policy DMEI 9 of the adopted local plan, together with EM6 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) ("Local Plan Part 1") and policy 5.12 of the London Plan (2016), together with the relevant parts of the Framework which aim to steer new development to areas with the lowest risk of flooding. I cannot be satisfied that the site is in a suitable location and the principle of development has not yet been demonstrated to be acceptable.

Character and Appearance

15. 8-9 units are proposed on the site. It is located off Field End, a cul-de-sac which forms part of a suburban residential housing estate largely comprised of detached and semi-detached properties. It currently appears as scrubland. There are no landscape or environmental designations that would prohibit residential development on it, in principle.
16. The site abuts an existing road, from where the development could be accessed. Many of the surrounding properties provide off street parking. On the evidence before me there are no inherent constraints associated with the site which would make that impossible here.
17. The development would adjoin an existing row of housing. The site has a similar depth to this row of properties. In terms of unit numbers across the site area, the density of development would be greater than the housing found along Field End. However, it would fall within a broadly similar range to existing housing found on the wider surrounding estate, as shown on the site location plan. These appeared to be well sized properties, with off street parking and external amenity space.
18. Consequently, the site appears to be large enough in principle to accommodate the amount of development proposed, having regard to the character and appearance of the surrounding area, including existing building plot sizes. The development would not inevitably appear visually intrusive or cramped in relation to existing dwellings along Field End; this depends on the design approach adopted at technical details stage at which point issues relating to parking, amenity space and boundary treatments would also be considered.
19. As such, there is no significant conflict with policy BE1 of the Local Plan Part 1, nor policies 3.5 or 7.4 of the London Plan (2016) nor policies DMT6, DMHB11, DMHB12 or DMHB18 of the adopted local plan, all of which seek to promote

development which harmonises with its local context whilst providing appropriate outdoor amenity space and parking.

Other Matters

20. The Council maintain that it is meeting its housing targets and can demonstrate a 5-year housing land supply for decision making purposes. The appellant argues that the actual need for housing considerably exceeds these levels, as reflected in the housing targets initially advocated in the emerging new London Plan. However, the emerging London Plan has not yet been finalised. On the evidence before me the Council's adopted development plan policies are up to date for the purpose of decision making.
21. The proposal would re-use vacant land. It falls within an existing settlement in reasonably good proximity to services and transport links. As a small site, there is strong encouragement for the proposal in both the Framework, the London Plan and other development plan policies, as well as policies in the emerging new London Plan. Up to 9 additional residential units would help meet and exceed the housing targets within the Borough. Whilst the Council can demonstrate a 5-year housing land supply, I nonetheless attach substantial weight to these benefits of the proposal.
22. There would also be potential Community Infrastructure Levy payments, future Council tax revenue, and the possibility of further planning obligations at a later stage. These are local finance considerations that weigh in favour of the proposed development.
23. However, the development has not been justified with reference to national planning policy on flood risk. As such, it conflicts with the strategic objective of steering development towards areas with the lowest risk of flooding. I also attach substantial weight to the harm that would arise, in consequence. Overall, the considerations that weigh in favour of the proposed development do not, even cumulatively, outweigh the harm identified. The presumption in favour of sustainable development does not apply.

Conclusion

24. To conclude, the proposal is acceptable in principle in terms of its effect on the character and appearance of the area. However, the location has not yet been demonstrated to be suitable for the residential development proposed given its flood risk classification. It therefore conflicts with the development plan when it is considered as a whole and there are no other considerations that outweigh this finding. The appeal should be dismissed.

Neil Holdsworth

INSPECTOR