
Appeal Decision

Site visit made on 14 May 2020

by Stephen Wilkinson BA, BPI, DipLA, MBA, MRTPI.

an Inspector appointed by the Secretary of State

Decision date: 04 June 2020

Appeal Ref: APP/R5510/W/19/3244044
276 West End Road, Ruislip, HA4 6DY

- 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 Faluck Patel against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 74928/APP/2019/2259, dated 4 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is a double storey side extension to create a two bedroom self contained dwelling with associated separate amenities.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the date of the Council decision to refuse the application for planning permission for this development it has withdrawn the Local Plan Part 2 Saved Unitary Development Plan (UDP) Policies (2012) and the Supplementary Planning Document HDAS: Residential Layouts. Accordingly, for the purposes of this appeal the Council relies on policies DMEI9, DMHB11, DMHB12 and DMHD1 of the Local Plan Part 2, Development Management Policies (LP2) 2020 and on policy 5.12 of the London Plan 2016. The appellant submitted supplementary evidence to account for this policy change. My assessment of the appeal has been made against the new policy framework.
3. A Flood Risk Assessment (FRA), Sequential and Exception Test and Sustainable Urban Drainage Systems (SUDS) report was submitted as part of the grounds of appeal in response to the first reason for refusal. As interested parties did not object to the application on the grounds of flood risk no parties would be prejudiced by this information which I have taken into account in my decision.

Main Issues

4. The main issues are whether the proposed development is acceptable in relation to:
 - the appropriateness of the site for housing with regard to flood risk, and
 - the character and appearance of the local area.

Reasons

Flood Risk

5. The appeal site lies within Flood Zone 2 (FZ2). The National Planning Policy Framework 2019, the Framework, requires that proposals at risk of flooding should pass a sequential test, demonstrating that there are no other available sites for the proposed development in areas with a lower flood risk than the appeal site. This approach is supported by policy DMEI9 of LP2.
6. The application of the Sequential Test requires new development to be steered towards areas with a lower risk of flooding. The Council has sufficient housing land to meet its 5 year housing target in line with the London Plan (2016) on sites with a lower risk of flooding than the appeal site. These sites are included in the recently adopted Local Plan Part 2 - Site allocations and Designations (2020) which were sequentially tested through the West London Strategic FRA. Furthermore, from the Council's analysis of recent planning approvals it can demonstrate that it has a net capacity for 1,772 new self contained homes on small sites in areas with a lower risk of flooding than the appeal site. The appendix included with the Council's supplementary statement demonstrates that the majority of the sites would not be classed as major and given they each benefit from a planning permission would be classed as 'deliverable' within the meaning of the Framework¹.
7. I am unclear on the derivation of the appellant's search criteria which form part of its Sequential Test used to identify that there are no sequentially preferable and reasonably located sites at a lower risk of flooding than the appeal site. I acknowledge that the defined area of search should be the Borough level but other criteria appear too tailored to the specific characteristics of the appeal site. This reduces the scope of the exercise and devalues the results. Insufficient evidence has been provided to meet the Sequential Test.
8. Furthermore, whilst the appellant's FRA and SUDS reports identify, how with various changes, the flood risks to the site could be addressed, it is unclear how these have been factored into the design of the current scheme given that these reports were received after the date of the submission of the scheme. I do not consider that all the suggested actions could be addressed through the imposition of a condition if I were to allow this appeal, given how they could impact on the overall design of the scheme.
9. The appellants provided additional comments on the Council's response detailing amongst other matters, decisions where planning permission has been granted by other Council's on sites in FZ2 and FZ3. I do not know the detail of each of these cases and what factors may have led to these decisions.
10. On this main issue, I conclude that the development of the site would be inappropriate given its flood risk contrary to policy 5.12 of the London Plan 2016 and policy DMEI9 of the LP2.

Character and appearance on the area

11. The appeal site forms the side garden area to a 2 storey semi-detached residential property. The site lies on the edge of a residential area comprising predominantly two storey semi-detached properties, of various architectural

¹ Glossary to the National Planning Policy Framework 2019

styles which are regularly spaced along West End Road. This form of development defines the character and appearance of the local area.

12. Whilst the creation of the new dwelling involves a large extension to the parent property, the appellant's have sought to reduce its impact on the streetscene through its location away from the flank boundary, its set back from the frontage of the 'parent' property and its hipped roof design set below the ridge line of the parent property. However, the extent of its width, at about 4.5m, introduces a discordant element at variance with the established character and appearance of the streetscene at this point. Although the scheme would be for a new dwelling it is designed as an extension and falls within the ambit of policy DMHD1. Whilst the site is separated by a short alley from the 3 storey block of West End Parade, this is of a completely different form of development which contrasts with that of the neighbouring residential properties.
13. Adopted policies DMHB11 and DMHB12 require all development including extensions to be designed to the highest standards and policy DMHD1 requires side extensions not to exceed the half width of the original property. Each of these policies is underpinned by a presumption that new development should harmonise with its surroundings and respond to its context.
14. Although the scheme has been partially designed to address the design constraints included in policy DMHD1, its width does not comply, and in this respect adversely impacts on the character and appearance of the streetscene. Whilst the parent property has a different architectural design from the other properties along the road the variances are not so great as to distinguish the site from the general character of the streetscene. For this reason, on this main issue I conclude that the design of the scheme adversely impacts on the character and appearance of the streetscene and does not comply with policies DMHB11 and DMHB12 and DMHD1 of the LP2.

Conclusions

15. From the above I find that the proposal conflicts with the development plan as a whole and I do not find that there are material considerations to warrant a departure. Accordingly, I conclude that the appeal scheme is contrary to policies DMEI9, DMHB11 and DMHB12 and DMHD1 of the LP2 2020 and the appeal, should not, therefore succeed.

Stephen Wilkinson

INSPECTOR