



Appeal Decision

Site visit made on 8 September 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2020

Appeal Ref: APP/R5510/W/20/3246155

Wood End Lodge, 5A Buttsmead, Northwood HA6 2TL

- 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 J Gavacan against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72008/APP/2019/2706, dated 12 August 2019, was refused by notice dated 19 November 2019.
 - The development proposed is erection of a new three bedroom dwelling within the residential curtilage of 5A Buttsmead, with associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since determination of the planning application, the Hillingdon Local Plan: Part Two – Development Management Policies (LP2) and the Local Plan: Part 2 – Site Allocations & Designations have been adopted as part of the Borough's development plan on 16th January 2020. The Hillingdon Local Plan: Part Two – Saved UDP Policies (2012), referred to in the Council's reasons for refusal, has been superseded by these documents. For the purposes of my decision, I have therefore assessed the proposal against the policies of the up-to-date development plan.
3. Whilst flood and water management issues did not form part of the Council's reason for refusal, objections were raised on this matter by the relevant consultee during the course of the planning application. The matter has been raised with the parties and I have taken their responses into consideration as part of my assessment. Given the substantive nature of the issues raised, I have addressed this matter under the second main issue.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and
 - whether the proposal would be acceptable in terms of flood risk having regard to local and national policy.

Reasons

Character and appearance

5. The site is located within the Copse Wood Estate Area of Special Local Character (ASLC). The ASLC is a close-knit residential area predominantly characterised by closely spaced, large detached dwellings more often laid out in regular street patterns. The substantial detached dwelling at Wood End Lodge is an anomaly to the general arrangement of the ASLC insofar as it sits to the rear of its neighbours. The discreet position of the dwelling relative to the street, the mature landscaped gardens and the considerable spacing that exists between boundaries helps to assimilate the dwelling into its surroundings. These characteristics are integral to the character of Wood End Lodge and make a positive contribution to the setting of the ASLC.
6. Even accounting for the two-storey height and architectural style which are comparable to the existing dwelling at Wood End Lodge, there would be a clear disparity in scale between the dwellings, particularly in terms of their bulk and width. The close position of the smaller dwelling with its alternative alignment and angle in relation to Wood End Lodge, would sit uncomfortably with the existing dwelling and the wider surroundings. The curtailment of the curtilage serving Wood End Lodge would erode the spaciousness which is intrinsic to the existing dwelling's character and would not enhance the ASLC. Therefore, I am not persuaded that the concerns of the previous Inspector¹ have been overcome.
7. The appellant contends that the layout preserves the mature trees on the site, allows for a more generous gap to the boundary than is prevalent in the surrounding area and would have a curtilage commensurate with others in the area. However, any such comparison does not take account of the site-specific context of Wood End Lodge in terms of the complementary relationship between the dwelling and its plot and its discreet positioning within the ASLC. The harm identified would be appreciable from neighbouring dwellings, the street on Buttsmead and the public footpath through the neighbouring woodland. Any additional planting would take time to establish and is unlikely to effectively assimilate the development into its surroundings.
8. I conclude that the development would have a detrimental effect on the character and appearance of the area, including the ASLC. In that regard, the development would conflict with Policies BE1 (Built Environment) and HE1 (Heritage) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) (LP1), Policies DMEI 6 (Development in Green Edge Locations), DMHB 5 (Areas of Special Local Character), DMHB 6 (Gatehill Farm Estate and Copse Wood Estate Areas of Special Local Character), DMHB 11 (Design of New Development) and DMH12 (Streets and Public Realm) of the LP2 and Policy 7.4 (Local Character) of the London Plan (2016). Taken together, and amongst other things these policies seek to ensure development is well integrated, harmonises with the local context, enhances local distinctiveness and conserves and reflects the character of the ASLC.

¹ Appeal ref APP/R5510/W/18/3201410

9. The Council's decision notice also refers to the 'Supplementary Planning Document: Residential Layouts (HDAS)'. I have not been provided with a copy of the guidance in this document. Even so, this does not diminish the conflict I have identified with the adopted policies of the development plan.

Flood Risk

10. Paragraph 155 of the Framework states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
11. The appellant's Flood Risk Assessment (FRA) includes Environment Agency (EA) maps which show that the site is located within Flood Zone 1 in terms of fluvial flood risk. Table 1: Flood Zones in the Planning Practice Guidance (PPG) confirms that Flood Zone 1 is regarded as being at 'Low Probability' of flooding with land having a less than 1 in 1,000 annual probability of river or sea flooding. Paragraph 033 of the PPG states amongst other things that it should not normally be necessary to apply the Sequential Test to development proposals in Flood Zone 1, unless the Strategic Flood Risk Assessment (SFRA) for the area, or other more recent information, indicates there may be flooding issues now or in the future (for example, through the impact of climate change).
12. The Council states that the West London SFRA (2018) defines Flood Zone 3a as 'Land within EA modelled surface water flood risk extents predicted for up to and including 1 in 100-year return period events – Flood Zone 3a (surface water).' However, I have not been provided with a copy of the SFRA or any substantive evidence to indicate that this definition is specifically aimed at triggering an additional requirement for Sequential Tests beyond the requirements in the Framework and PPG which specifically relate to river or sea flooding.
13. The appellant acknowledges that the central low-lying areas of the appeal site have a high probability of pluvial flooding and suggests that this can be mitigated through measures set out in the FRA. Without evidence to the contrary, I have no reason to doubt that such measures would be effective and these could be secured by condition.
14. To conclude, the site is located within Flood Zone 1 taking into account the guidance in the Framework and PPG and the development would make provision for flood risk mitigation to address the surface water flooding identified. In that regard, the development would not conflict with Policies EM6 (Flood Risk Management) of the LP1, Policy DMEI 9 (Management of Flood Risk) of the LP2 and Policy 5.12 (Flood Risk Management) of the London Plan (2016) which amongst other things seek to direct new development to areas of lower flood risk and ensure that proposals make appropriate provision for flood risk mitigation.

Other Matters

15. Written representations from interested parties include some support for the proposal including that the dwelling would discourage anti-social behaviour close to the public footpath. Whilst the dwelling would sit closer to the footpath

than the existing dwelling, any improvements to surveillance of these areas would be likely to be marginal.

Planning Balance and Conclusion

16. Paragraph 12 of the Framework confirms amongst other things that the development plan is the starting point for decision making and where a planning application conflicts with an up-to-date development plan permission should not usually be granted.
17. A single dwelling would make a limited contribution towards the Council's housing requirements. Surface water flooding on the site could be effectively mitigated although this is of neutral consequence in the planning balance.
18. However, the dwelling would result in significant harm to the character and appearance of the area. This is a matter which attracts significant weight and tips the balance firmly against the proposal.
19. No further material considerations have been advanced of sufficient weight to justify a decision other than in accordance with the up-to-date development plan. Therefore, for the reasons set out, I conclude that this appeal should be dismissed.

M Russell

INSPECTOR