
Appeal Decision

Site visit made on 23 February 2021

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2021

Appeal Ref: APP/R5510/W/20/3261227
60 Long Lane, Ickenham UB10 8SZ

- 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 Greengables against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 70282/APP/2020/2522, dated 11 August 2020, was refused by notice dated 29 September 2020.
 - The development proposed is demolition of existing dwelling and erection of two storey detached building with habitable roof space to provide 9 x 2-bed flats with associated amenity space and parking.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was previously granted at appeal in May 2019¹ for demolition of the existing dwelling and erection of a two storey detached building with habitable roof space for use as 7 x 2 bed flats with associated amenity space and parking. The Council subsequently granted planning permission in February 2020² for a similar proposal comprising 8 x 2 bed flats. Whilst I have had regard to the previous planning permissions as a material planning consideration, I have determined the appeal on its own merits.
3. Regarding the second reason for refusal, the Council has clarified that the reference to No 19 Milton Road was made in error and that its concern relates to the effect of the proposal on No 1 Milton Road and No 1 Neela Close.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the Ickenham Village Conservation Area; and,
 - the effect of the proposed development on the living conditions of the occupiers of No 1 Neela Close and No 1 Milton Road, with particular regard to privacy.

¹ Appeal reference: APP/R5510/W/19/3221731

² Council reference: 70282/APP/2019/2773

Reasons

Conservation Area

5. The appeal site consists of a detached dwelling, which is located on a generous sized plot. The 2 storey part of the property is positioned centrally on the site and it has single storey extensions that extend to the side boundaries. The building is set back from the road and it is consistent with the building line of the properties on the western side of Long Lane. The properties in this part of the Ickenham Village Conservation Area (the CA) display a variety of architectural designs and they are generally situated on spacious grounds. The set back of the dwellings from the road, together with the gaps between the buildings at upper floor level and views of trees and soft landscaping, provides a spacious and green character in the CA.
6. There is no evidence before me to suggest that the existing dwelling is of any historical significance, and the architectural features provide limited interest. In particular, the single storey front and side extensions are unattractive additions to the original property. Nevertheless, the scale and siting of the dwelling reflects the predominant pattern of development in the area.
7. In respect of the previous appeal scheme, the Inspector noted that the proposal would be designed to reflect the prevailing architectural themes, such as arts and crafts style, hipped rooflines, chimneys, projecting gables, adherence to building height and gaps between built development. Furthermore, she stated that the proposed development would maintain adequate set back from the side boundaries and would not represent a substantial addition to the street scene. The front elevation design of the current appeal scheme would be very similar to the previous planning permissions and so I find that this aspect of the proposal would respect the character and appearance of the Long Lane street scene.
8. The main alteration in respect of the current proposal relates to the design of the rear elevation. The previous planning permissions showed that the pitched main roof would slope down to a low eaves line at the rear, with 2no 2-storey hipped rear projections and 2no centrally positioned first floor dormer windows. This would provide a well-articulated elevation and appropriate massing, with hipped rooflines and projecting elements. It would provide an acceptable appearance and respect the form and massing of neighbouring buildings.
9. The current appeal scheme proposes a very wide 2 storey rear element with a large crown roof and 3no second floor rear dormer windows, which would create a bulky and dominant feature to the rear of the building. The crude form of this element would not reflect the considered design approach of the front elevation, and it would appear out of keeping with the pitched roof forms and massing of neighbouring dwellings. I note that the block of flats at No 66 Long Lane features a crown roof, however, this is anomalous in the area as the dwellings generally have modest ridge apex roofs. Whilst there would be limited views of the rear elevation in the street scene, it would nevertheless be visible from neighbouring dwellings and gardens within the CA. Furthermore, the lack of visibility from the public realm does not obviate the need to achieve good design.
10. Given the small-scale nature of the proposed development, I find that the degree of harm to the CA would be less than substantial. In accordance with

paragraph 196 of the National Planning Policy Framework (the Framework), any harm should be weighed against the public benefits.

11. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly, as indicated in paragraph 68 of the Framework. The proposal would deliver public benefits in terms of adding to the overall provision of housing in an accessible location. Modest economic advantages would arise from the construction and occupation of the proposed dwellings. Compliance with resource efficiency standards such as energy and water would help off-set the environmental impacts of the development, which would provide a limited benefit. There would also be opportunities for limited ecological enhancement through the provision of additional landscaping.
12. Paragraph 193 of the Framework states that "great weight should be given to the [designated heritage] asset's conservation". I find that the public benefits would not outweigh the harm to the designated heritage asset. The proposal would therefore be contrary to the historic environment policies contained within the Framework.
13. For these reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the Ickenham Village Conservation Area. It would therefore conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part 1 Strategic Policies adopted November 2012, Policies DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part 2 Development Management Policies adopted January 2020 (the Local Plan Part 2) and Policies 3.5 and 7.4 of the London Plan 2016. Amongst other things, these policies seek to achieve a high quality of design in all new buildings and preserve or enhance the character or appearance of conservation areas.

Living conditions

14. Policy DMHB 11 of the Local Plan Part 2 states, amongst other things, that development proposals should not adversely impact on the amenity of adjacent properties and open space. Supporting paragraph 5.38 states that the Council will aim to ensure that there is sufficient privacy for residents, and it will resist proposals where there is an unreasonable level of overlooking between habitable rooms of adjacent residential properties or onto private open spaces. A minimum of 21 metres separation distance between windows of habitable rooms will be required to maintain levels of privacy and to prevent the opportunity of overlooking.
15. The Council states that a separation distance of 22.75 metres would be maintained between the habitable windows of the proposed development and neighbouring properties. This would exceed the minimum standard and would therefore maintain sufficient privacy for neighbouring residents in respect of the use of their habitable living accommodation.
16. The previous Inspector noted that the distance from the windows in the rear elevation of the proposal to the private garden area of No 1 Neela Close would fall just short of the 21 metres provided as a guide in the Residential Layout Supplementary Planning Document (the SPD). Furthermore, the orientation of No 1 Milton Close means that a large proportion of private garden area will be beyond 21 metres, and the area immediately behind the property closest to the appeal proposal would be largely screened from view by an existing garage

structure. The Inspector found that the retention and management of the tree and hedges adjacent to the rear boundary of the appeal site would compensate for the very small shortfall in separation distance between the rear elevation windows and neighbouring private garden areas.

17. The Council has advised that the guidance in the SPD has been withdrawn following the adoption of the Local Plan Part 2. As such, there is no adopted privacy guidance regarding the separation distance between proposed habitable windows and neighbouring gardens, and this is therefore a matter of planning judgement. The information before me shows that the rear elevation of the proposed development would be 12.5 metres from the rear boundary with No 1 Neela Close and the side boundary of No 1 Milton Road.
18. The proposed site plan shows that the laurels adjacent to the rear boundary would be retained. To my mind, given that it is a natural feature, vegetation should not itself be relied upon in perpetuity to provide privacy screening for neighbouring properties. Nevertheless, it provides some benefit and a landscaping condition could be imposed to require the retention and management of the trees. The views afforded from the proposed ground and first floor rear windows towards the neighbouring gardens would be comparable to the rear windows approved as part of the previous planning permissions. I consider that the level of separation to the main outdoor amenity areas of No 1 Neela Close and No 1 Milton Road would maintain sufficient privacy for neighbouring occupiers.
19. I acknowledge that the elevated position of the proposed second floor dormer windows would enable views across the rear gardens of No 1 Neela Close and No 1 Milton Road. Nevertheless, the appeal site is in a settlement and so a degree of overlooking of gardens is to be expected. The proposed second floor dormer windows would be set back around 1 metre from the rear wall of the proposed building and so they would be further from the neighbouring gardens than the windows on the floors below. Having regard to the degree of separation maintained to the outdoor amenity areas immediately adjoining the rear elevations of No 1 Neela Close and No 1 Milton Road, I find that the proposed second floor dormer windows would not cause an unacceptable level of overlooking.
20. For the above reasons, I conclude that the proposed development would not cause significant harm to the living conditions of the occupiers of No 1 Neela Close and No 1 Milton Road, with particular regard to privacy. The proposal would therefore accord with Policy DMHB 11 of the Local Plan Part 2, the aims of which are set out above.

Conclusion

21. For the reasons set out above, I conclude that the appeal should be dismissed.

C Osgathorp

INSPECTOR