



Appeal Decision

Site visit made on 11 February 2021

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2021.

Appeal Ref: APP/R5510/W/20/3260912

11 Kewferry Drive, Northwood, HA6 2NT

- 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 Rahul Rao against the decision of London Borough of Hillingdon Council.
 - The application Ref 11501/APP/2019/2662 dated 11 September 2019, was refused by notice dated 7 August 2020.
 - The development proposed is two storey, 5-bed, detached dwelling house with habitable roof space, involving demolition of existing dwelling house.
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Decision

1. The appeal is allowed, and planning permission is granted for a two storey, 5-bed, detached dwelling house with habitable roof space, involving demolition of existing dwelling house at 11 Kewferry Drive, Northwood, HA6 2NT in accordance with the terms of the application ref: 11501/APP/2019/2662, dated 11 September 2020, subject to the following conditions:
 - 1) The development to which this permission relates shall be begun within a period of three years commencing on the date of this decision;
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans: P101 Rev A (location plan), P202 Rev AE (proposed plans), P302 Rev S (proposed ground floor plan), P303 Rev T (proposed first floor plan), P304 Rev T (proposed loft plan), P305 Rev Q (proposed roof plan), P203 Rev U (proposed elevations), P401 Rev O (proposed front elevation), P402 Rev M (proposed rear elevation) and P403 Rev N (proposed side elevations);
 - 3) No development above ground level shall take place until details and/or samples of all materials, colours and finishes to be used on all external surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details;
 - 4) No development above ground level shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

Details of Soft Landscaping

- Planting plans (at not less than a scale of 1:100);
- Written specification of planting and cultivation works to be undertaken;
- Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate.

Details of Hard Landscaping

- Refuse Storage (inc. elevations if appropriate);
- Cycle Storage (inc. elevations if appropriate);
- Means of enclosure/boundary treatments (inc. elevations if appropriate)
- Car Parking Layouts;
- Hard Surfacing Materials;
- External Lighting.

Details of Landscape Maintenance

- Landscape Maintenance Schedule for a minimum period of 5 years;
- Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

The development shall be carried out and maintained in full accordance with the approved details.

- 5) The three, first floor, side elevation windows (serving en-suites) shall be obscurely glazed to Pilkington privacy level 4 and fixed shut below 1.8m;
- 6) During demolition and construction works temporary protective fencing should be erected and maintained across the back garden to contain demolition and building operations. Protective fencing shall be also utilised to protect the high hedge owned by no. 13 Kewferry Drive during this period. The back garden shall not be utilised for site access or temporary storage/handling of materials;
- 7) No demolition or construction works shall take place outside of the hours of 08:00 – 18:00 (Monday to Friday) and 08:00 – 13:00 (Saturday). There will be no work on site on Sundays or Bank Holidays.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development. The Council's description refers to the proposal as a five-bedroom dwelling, however, within the Council's report (section 3.2) it is referred to as a 6 x bed dwelling before being stated as being assessed as a 7 x bed dwelling.
3. For the avoidance of doubt, given the main issue to be considered, the number of bedrooms is partly irrelevant. The main issue within this appeal is as outlined below which is concerned with overall design and scale and the impact of that upon character and appearance.
4. On 29 January 2021, the Secretary of State confirmed that the Publication London Plan may be published with no further changes. It is not yet operative so the proposal still falls to be considered against the London Plan 2016.

Main Issue

5. The main issue is impact of the proposal upon the character and appearance of the area.

Reasons

6. The appeal site is located on the Southern side of Kewferry Drive and comprises of an existing detached property standing within an elongated plot. The appeal site, looking at the submitted plans, appears to be one of the narrower plots along Kewferry Drive. The existing property has, as stated by the Council, already been extended and benefits from a part two storey, part single storey side extension as well as a single storey rear extension.
7. From the street scene the proposal would maintain the existing building line of the original dwelling but the key change is that it would extend across the majority of the frontage of the site. From my site visit I found that there were numerous examples of full frontage dwellings along Kewferry Drive and, despite this, I did not find any of them particularly more prominent than the others, as a result of this full frontage. This is mainly because of the individual and bespoke designs. Regardless of plot size, frontage is frontage, and many properties in close proximity have maximised their use of their respective plot widths.
8. The proposal would be set in from the side boundaries by between 1m and 1.7m. The Council acknowledge the proposal would maintain a minimum set back of 1m from the side boundaries. This I find, combined with the design of no. 13 Kewferry Drive, would result in sufficient visual gaps between the proposal and the adjoining properties. Maintenance of the building line allows retention of space and landscaping to the front of the appeal site which will continue to contribute to the general setting and street scene. I do not find that the proximity to the boundary would mean that the proposal would present as cramped or result in over development of the site.
9. At the time of my site visit I walked along Kewferry Drive and noted that the area is comprised of large, detached, residential dwellings which have notably individual designs. This results in a highly varied street scene with no singular property style, no common choice of building materials and a very mixed appearance. The design of the proposed dwelling has features which are present on other redevelopments which have taken place in the immediate area. These include gable ended projections to the front elevation and a hipped roof with a front dormer window. The designs of properties within the immediate area are so unique I do not find it appropriate to, in this case, make direct comparisons between the appeal proposal and properties within the vicinity as there are no shared or distinct design cues. Each property makes its own contribution to the street scene and it is the individuality which creates the overall character of Kewferry Drive.
10. The proposal is contemporary in design but overall I find that it proposes to create its own individual character. I find this to be an appropriate approach when taking into account the bespoke nature of the properties which are in both the immediate area and along Kewferry Drive in general. I do not find that the design would result in the proposal failing to harmonise with the existing local context of the surrounding area or presenting as visually incongruous.
11. The rear elevation will not be visible from the public domain, and will be shielded by natural landscaping, and therefore will have very limited impact upon the street scene and appearance of the area. Given the highly bespoke designs of the properties as discussed above I do not find the proposed rear

design to negatively impact upon the character of the area. I find that the overall size, scale and bulk of the proposal is acceptable.

12. The proposal would be consistent with Hillingdon Local Plan: Part 1 2012 Policy BE1 which requires new development to achieve a high quality of design in all new buildings, Hillingdon Local Plan: Part 2 – Development Management Policies 2020 (LP2) Policy DMHB 11 which requires proposals to harmonise with local context taking into account adjacent structures, established street patterns, building lines and architectural composition and LP2 Policy DMHB 12 which requires development to be well integrated with the surrounding area and accessible.
13. The proposal would also be consistent with London Plan 2016 Policy 3.5 which requires housing to enhance the quality of local places taking into account physical context and local character and Policy 7.4 which requires development to have regard to the form, function and structure of an area, place or street and the scale, mass and orientation of surrounding buildings.

Other Matters

14. A number of objections have been received in response to this proposal. The Council's reason for refusal, and delegated report, does not raise issues relating to loss of light or the proposal being overbearing and/or unneighbourly. Comments relating to loss of privacy, in relation to the side facing windows, are noted and a condition can be placed on any consent granted to ensure obscure glazing/controls over opening to protect the privacy of neighbouring occupiers.
15. The Council have, in section 7.1 of their assessment, considered the proposal in relation to the 45-degree code. One element of the proposal, the single storey element, would extend beyond the 45-degree line of site. Despite this, given the separation distance, windows, and high hedge (owned by no. 13) confirmed by the Landscape Officer as being unaffected by the proposals, I have no reason to conclude differently to the Council and do not find the proposal would significantly impact on the amenity of neighbouring properties as a result of overbearing or loss of outlook. Whilst no. 9 is located to the East of the appeal site, and whilst the proposal may result in the loss of some late afternoon sun, given the existing situation it is not considered to result in an unacceptable loss of light.
16. Comments regarding the basement are noted, however, the revised plans upon which the Council based their final decision removed the basement. Issues regarding works to, or in close proximity to neighbouring properties are private matters which fall outside the scope of this appeal. I note comments regarding vehicular access; however, I have no evidence before to conclude differently to the Council on this matter in that there is sufficient space for parking, access etc. to avoid encroachment onto neighbouring property.

Conditions

17. The Council have suggested a number of conditions within this appeal including some as pre-commencement conditions. I have amended some suggested conditions as I do not find there is clear justification for them to be pre-commencement conditions. In addition there are some matters raised within

both the objections and the Council's report which require further conditions on the consent granted.

18. I have not included conditions relating to step free access and compliance with Building Regulations given that the build will be, in any case, required to comply with current Building Regulations as a separate matter. The planning system should not seek to condition matters which are controlled via legislation elsewhere. Similarly I have not included the suggested conditions relating to car parking and access given that the proposal is in any case required to be carried out in accordance with the approved plans, and subsequent submissions within the outlined conditions, which address such matters.
19. A condition requiring the development to be in accordance with the approved plans is required in order to control and define the development which is granted consent. A time condition is attached to comply with section 51 of the Planning and Compulsory Purchase Act 2004. In order to ensure a satisfactory appearance, I have attached a condition requiring materials for the external elevations and landscaping to be submitted to and approved in writing by the Local Authority. This includes cycle storage to comply with the adopted borough cycle parking standards. A condition requiring obscure glazing to the non-habitable rooms in the side elevations is required to protect the privacy of neighbouring occupiers.
20. A condition relating to protective fencing and the rear garden and hedge is required to protect the established garden and vegetation from destruction or damage during construction work. A condition relating to timings of demolition and construction works is required to protect the amenity of neighbouring occupiers during construction of the proposal.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to conditions.

Eleni Randle

INSPECTOR