
Appeal Decision

Site visit made on 4 May 2021

by J Ayres BA Hons, Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 MAY 2021

Appeal Ref: APP/R5510/W/20/3264232

Land at 3 Olivia Gardens, Harefield UB9 6QF

- 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 Ushuaia Homes against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 4672/APP/2020/1880, dated 21 June 2020, was refused by notice dated 15 October 2020.
 - The development proposed is erection of a detached dwelling house, with associated parking and amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a detached dwelling house, with associated parking and amenity space at Land at 3 Olivia Gardens, Harefield UB9 6QF in accordance with the terms of the application, Ref 4672/APP/2020/1880, dated 21 June 2020, subject to the conditions in the attached schedule.

Preliminary Matter

2. Following the refusal of the scheme by the local planning authority the London Plan was published on 2 March 2021. The views of both parties were sought in respect of the London Plan 2021 insofar as it relates to this appeal.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the area having particular regard to the Harefield Village Conservation Area; and (ii) the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The houses in Olivia Gardens generally occupy the width of each respective plot, the appeal site is currently laid out with hardstanding, a detached garage, and a grassed area which sit behind fencing. As such it reinforces the distinctly residential character of the cul-de-sac.
5. Due to the generous size of the plot the dwelling, which would be slightly set back from the street scene and located in a relatively central position within the plot, would sit comfortably within the plot. The ridge height would be in keeping with No 3 Olivia Gardens and the proposal would contribute to the

cohesive street scene as currently experienced within the cul-de-sac. It would be larger in scale than some of the dwellings in Olivia Gardens, however, there is no dominant form of style of dwelling and each contributes an element of uniqueness to the area. The design of the dwelling would contribute to this and would be a positive addition to the area.

6. The significance of the Harefield Village Conservation Area (the CA) is largely found in the historic street pattern and the buildings which address a number of areas of open space. The proposal would introduce a residential form of development onto the plot, and despite being generous in size, a good level of space would be maintained around the built form and to the rear. As such the proposal would continue to contribute to the spacious, residential character of the CA.
7. Accordingly, I find that the proposed development would not cause harm to the character and appearance of its surroundings or the significance of the Conservation Area taken as whole. Mindful of the duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I therefore conclude that the character and appearance of the Conservation Area would be preserved.
8. I find that the proposal would comply with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012) (the LP), and Policies DMHB 1, DMHB 4, DMHB 11 and DMHB 12 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020) (the DMP). Taken together, and amongst other things, these policies seek to ensure that development is designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views and preserves the special architectural and visual context of conservation areas.

Living conditions

9. The built form within Olivia Gardens sits close to each respective site boundary. The element closest to the boundary with No 2 is the garage element of the proposal. The bulk of the dwelling would be comfortably set back from the boundary. I am satisfied that the arrangement of the built form, with the larger element set a comfortable distance from the boundary with No 2, would ensure that the living conditions of occupiers of No 2 Olivia Gardens would not be harmed by the proposal.
10. I find that the proposal would comply with Therefore the proposal would be contrary to Policies DMHB 11 and DMHD 1 of the DMP, which amongst other things, seek to restrict development that would adversely impact the amenity, daylight, and sunlight of adjacent properties.

Conclusion and Conditions

11. I find that the proposal would comply with the development plan. There are no material considerations to lead me to conclude that a decision should be made other than in accordance with the development plan and therefore the appeal should succeed.
12. I have assessed the conditions suggested by the Council against the tests given the National Planning Policy Framework. Where I have attached conditions, I have amended their wording in the interests of clarity and precision.

13. I have specified the plans for certainty. In order to ensure that the proposed development is sensitive to the character and appearance of the surrounding area I have attached a condition requiring the Council's approval of details of materials. I have attached conditions regarding the submission of hard and soft landscaping details to the Council for their approval, and that a landscaping scheme should be delivered in line with the submitted details. A requirement to submit details of tree protection measures to be deployed during the construction of the proposed development is included. These conditions are attached to ensure that the proposed development preserves the character of the CA. Due to the modest size of the development I have simplified the condition as suggested by the Council. I have attached a condition relating to step free access to ensure that the development is accessible. As the scheme is for a single dwelling, I do not consider it necessary to impose these as pre-commencement conditions.
14. I have attached a condition requiring car-parking to be laid out and retained to ensure that an appropriate level of parking is provided. Having regard to the limited scale of the development and the relationship of the site with the highway I consider that a condition requiring visibility splays would not meet the test of necessity.
15. A condition requiring compliance with Document M to the Building Regulations 2010 (2015) is necessary to ensure that the proposal complies with the development plan.
16. For the reasons above and having regard to all other matters raised I conclude that the appeal is allowed.

J Ayres

INSPCETOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan – Drawing No. 1911 100;
 - Block Plan – Drawing No. 1911 101;
 - Sketch View – Drawing No. 1911 103;
 - Proposed Plans – Drawing No. 1911 105;
 - Proposed Elevations – Drawing No. 1911 106;
 - Proposed Elevations (overlay existing context) – Drawing No. 1911 1061;
 - Ground Floor Plan – Drawing No. 1911 503;
 - First Floor Plan – Drawing No. 1911 504;
 - Development Density Context – Drawing No. 1911 506;
 - Solar Study – Drawing No. 1911 507;
 - Planning, Design, Access and Heritage Statement;
 - Design and Access Statement;
 - Arboricultural Report – John Cromar's Arboricultural Company Ltd.

- 3) No development other than site survey and investigate work 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.
- 4) No development other than site survey and investigate work shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include details of means of enclosure and boundary treatments, details of refuse storage, and details of cycle storage. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The development hereby permitted shall not be occupied until space has been laid out within the site for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for those purposes.
- 7) No development other than site survey and investigate work shall take place until details of step free access via the principal private entrance have been submitted to, and approved in writing, by the local planning authority. Such provision shall remain in place for the life of the building.
- 8) The dwelling(s) hereby approved shall accord with the requirements of Policy D7 of the London Plan and, as a minimum standard, meet the technical specifications for a Category 2 M4(2) dwelling as set out in Approved Document M to the Building Regulations (2010) 2015. All such provisions must remain in place for the life of the building.

END OF SCHEDULE