



Appeal Decision

Site Visit made on 15 November 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 November 2021

Appeal Ref: APP/R5510/W/21/3273177

Land at 9 Linksway, Northwood, HA6 2XA

- 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 Frankie Juchau of Dusek Design Associates Ltd against the decision of London Borough of Hillingdon.
 - The application Ref 51186/APP/2020/4149, dated 14 December 2020, was refused by notice dated 3 March 2021.
 - The development proposed is the demolition and replacement of the existing detached house and outbuildings, with a new detached dwelling, new wrought iron gates, brick piers and low level brick walls; slight alteration of one of the existing access and crossover points with retention of the other existing access; and associated ancillary works.
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Decision

1. The appeal is allowed, and planning permission is granted for the demolition and replacement of the existing detached house and outbuildings, with a new detached dwelling, new wrought iron gates, brick piers and low level brick walls; slight alteration of one of the existing access and crossover points with retention of the other existing access; and associated ancillary works at Land at 9 Linksway, Northwood, HA6 2XA in accordance with the terms of the application, Ref 51186/APP/2020/4149, dated 14 December 2020, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. I have taken the description of development from the application form. Although different to that given on the decision notice, no confirmation has been provided that a change was agreed.
3. The new National Planning Policy Framework 2021 (Framework) has been published following the Council's decision. There have been no fundamental changes relevant to the main issues in this appeal.

Main Issues

4. The main issues of the appeal are:
 - The effect of the proposed development on the character and appearance of the area, having particular regard to the heritage significance of the Copse Wood Estate Area of Special Local Character (ASLC) and protected trees; and
 - Whether the proposed annex would be a separate residential unit.

Reasons

Character and Appearance

5. The Framework states that when considering the effect of a proposed development on the significance of a non-designated heritage asset, a balanced judgement will be required having regard to the scale of any harm, or loss, and the significance of the heritage asset.
6. The appeal site is located within the ASLC, the significance of which lies, in part, in the irregular although frequent mature trees within the street and plots and the set back of the properties behind generous front gardens/parking areas. This, along with the wide streets results in a verdant and spacious appearance to the area.
7. The existing dwelling reflects the Arts and Crafts style of properties said to be once prevalent in the ASLC. It is set in a large plot, back from the road and there are mature trees to much of its boundaries. Therefore, the appeal site contributes positively to the significance of the ASLC.
8. Nonetheless, in Linksway many original properties have been, or are in the process of being, replaced. Within the ASLC there is considerable variation with individually designed large properties. The newer dwellings are commonly of a far more modern design, fill much of the plot widths and are of a large scale. As such, there is no consistency to the built form in the ASLC. While these newer dwellings may pre-date the current development plan, they form part of the character and appearance of the area and the context that the appeal scheme would be seen in.
9. The proposed dwelling would not follow the style, scale or appearance of the one it would replace. It would also not directly replicate any existing properties in the ASLC. Nevertheless, it draws together a number of architectural features that are found at properties close by. This includes, materials, columns, dormer windows, front gable features and hipped roof form. While not as consistent in terms of architectural style as the existing dwelling, it would not appear incongruous with the existing context of built form.
10. The proposed dwelling would be of a far greater scale than the existing one in terms of footprint and volume. However, the hipped roof, stepping down of the garage element and single storey nature of much of the rear part of the dwelling would break up the mass of the building. The main part of the dwelling would not be noticeably different to those nearby in terms of scale.
11. The proposed dwelling would fill more of the plot width, reducing the space between the adjacent properties. However, the rhythm of the built form varies in the street with several nearby properties similarly filling much of their plot. Being a wider plot than many the dwelling would still be set in a comparable distance to those adjacent. Although reduced there would still be some separation to the neighbouring properties and the plot width is not altered. In addition, the lower garage element would allow views over it and retain a sense of spaciousness.
12. The garage element would extend forward of the main building line and that of the properties in this row. Nonetheless, the main part of the dwelling would follow the existing building line and retain the existing general layout of the site. Moreover, while not detached as several other examples of garages

forward of the main dwelling in the street are, the presence of smaller scale ancillary structures in such a position would not be alien in the ASLC. It would still have approximately the same set back as the detached examples. Existing and proposed landscaping would aid in screening it in many views along the street as occurs with the existing ones. It is also stepped down in height from the main part of the dwelling and clearly subordinate to it.

13. Although many plots, including the appeal site, have hedges and trees to the front of the properties, there is a range of front boundary treatments in Linksway and the wider ASLC. This includes a wall of not dissimilar size at a property near the appeal site on the other side of the road. As such, the proposed treatments would not be out of keeping with the existing street scene or the general area. Furthermore, there are several examples of railings in the ASLC. There would be opportunities for planting behind the wall, brick is a common material to the area and the wall size and appearance would not be noticeably different to the surrounding character.
14. The site is covered by a Tree Preservation Order. Most trees at the site are retained. Trees on the side boundaries that would be lost are relatively small, screened by other trees and existing properties. These factors mean their loss would have little effect on the character and appearance of the site. Trees at the front corner of the site to be removed, including Class B ones, currently form part of an attractive cluster. Nonetheless, despite their removal, there would still be extensive tree cover in the locality, on street and within plots close to the site itself.
15. While it would take time to mature, new tree planting is proposed across the whole of the front of the site to spread features and replace the existing hedge. In time this would create a softer frontage and assimilate into the wider sylvan streetscene. A landscape scheme and tree protection measures are conditioned.
16. Consequently, although the existing dwelling would be lost, the spaciousness and verdant nature that forms part of the significance of the ASLC would be retained. Therefore, the proposed development would not harm the character and appearance of the area. It would comply with the design and conservation aims of Policies BE1 and HE1 of the Part One Plan¹, Policies DMHB1, DMHB5, DMHB6, DMHB11, DMHB12 and DMHB14 of the Part Two Plan² and Policies G7, D4, D6 and HC1 of the London Plan. Moreover, it would accord with the aim of the Framework to conserve heritage assets in a manner that is appropriate to their significance.

Whether Separate Unit

17. The annexe would provide facilities that would make it capable of independent day-to-day living. Although there is reference to intergenerational living, there is limited information before me over future occupiers of the building and whether any facilities would be shared with the main dwelling.
18. Even so, this does not mean it would become a separate planning unit from the main dwelling. The annex is attached to the dwelling and while having a separate entrance also has internal shared access between the 2 parts.

¹ Hillingdon Local Plan: Part 1 Strategic Policies

² Hillingdon Local Plan: Part 2 Development Management Policies

19. The appellant has applied for a single dwelling, including the annexe linked to the main dwelling. Occupation as a separate residential unit can be prevented by means of a condition requiring that occupation of the annexe is solely for purposes ancillary to the residential use of the main dwelling.
20. As such, the proposed annexe would not be a separate residential unit and the scheme would not be contrary to Policy BE1 of the Part One Plan, Policies DMHB 11 and DMHB 12 of the Part Two Plan and Policy D6 of the London Plan.

Other Matters

21. Some overlooking between properties is inevitable and tolerable in residential areas and already occurs to some degree with side elevation windows in the existing property facing neighbouring dwellings and gardens. While the new windows would be closer to the boundary, they would be fitted with obscure glazing. This would prevent significant overlooking.
22. The property would be large and extend further back in the plot than the existing one. However, the proposed property and those either side are set in from the boundary. Therefore, while the new dwelling would be more prominent from the adjacent ones and their gardens it would not be overbearing or unduly harm the outlook from them.

Conditions

23. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty. In order to protect the character and appearance of the area, I have also imposed conditions requiring the external materials, a landscape scheme, tree protection measures and site levels to be agreed with the Council. To reduce risks from flooding the submission and agreement of a drainage scheme is necessary. Pre-commencement conditions are required where the details may affect the initial works.
24. To ensure accessible and adaptable housing is provided I have imposed a condition requiring certain Building Regulations standards to be met. To reduce impacts on nearby properties and highway safety conditions are imposed for a construction management plan. As with the energy efficiency conditions in relation to carbon dioxide and water these relate to development plan targets and policies.
25. Conditions requiring obscure glazing for certain windows and preventing new ones being introduced are needed to protect living conditions of nearby occupiers. A condition is imposed limiting the use of the annexe to purposes ancillary to the main dwelling to prevent the creation of a new one without appropriate justification and consideration.

Conclusion

26. For the reasons given, and having considered all matters raised, I conclude that the appeal should be allowed, subject to the conditions in the schedule below.

Stuart Willis

INSPECTOR

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: Drawing 1363/P/1; Drawing 1363/P/2; Drawing 1363/P/3; Drawing 1363/P/4; Drawing 1363/P/5; Drawing 1363/P/6; Drawing 1363/P/7; Drawing 1363/P/8; Drawing 1363/P/9; Drawing Arboricultural Impact Assessment Rev A; Drawing Tree Constraints Plan; Drawing Tree Protection Plan; and the Arboricultural and Planning Integration Report.
- 3) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - (i) Planting plans (at not less than a scale of 1:100),
 - (ii) Written specification of planting and cultivation works to be undertaken,
 - (iii) Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate.
 - (iv) Refuse Storage,
 - (v) Cycle Storage,
 - (vi) Means of enclosure/boundary treatments,
 - (vii) Hard Surfacing Materials,
 - (viii) External Lighting,
 - (ix) Electric vehicle charging facilities (at least one parking space shall have active provision and the remainder passive).
 - (x) Schedule for Implementation,
 - (xi) Maintenance and management arrangement of the above; and
 - (xii) Existing and proposed ground levels and the proposed finished floor levels of all proposed buildings.

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

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.

- 4) No development shall commence until a Construction Management and Logistics Plan has been submitted to and approved in writing by the local planning authority. This shall include:
 - (i) The phasing of the works,
 - (ii) The hours of work,
 - (iii) On-site plant and equipment,
 - (iv) Measures to mitigate noise and vibration,

- (v) Measures to mitigate impact on air quality,
- (vi) Waste management,
- (vii) Site transportation and traffic management, including: (a) Routing; (b) Signage; (c) Vehicle types and sizes; (d) Hours of arrivals and departures of deliveries (avoiding peaks times of day); (e) Frequency of visits; (f) Parking of site operative vehicles; (g) On-site loading/unloading arrangements; and (h) Use of an onsite banksman (if applicable); and
- (viii) The arrangement for monitoring and responding to complaints relating to demolition and construction.

The approved plan shall be adhered to throughout the construction period for the development.

- 5) No development shall commence until detailed drawings showing the position and type of fencing to protect the entire root areas/crown spread of trees, groups of trees and other vegetation to be retained during construction work, have been submitted to and approved by the local planning authority. The scheme shall be implemented in accordance with the approved details. Such fencing should be a minimum height of 1.5 metres and shall be erected prior to any demolition, removal of topsoil, and commencement of building operations and retained in position until development is completed. The land so enclosed shall be kept clear of all dumping, materials, machinery and cement mixing and the existing soil levels not altered or disturbed. No fires shall be lit on the land so enclosed.
- 6) Prior to any above ground works, details of all external materials shall be submitted to the local planning authority for approval in writing. The development shall be carried out in accordance with the agreed details and the materials retained thereafter.
- 7) Prior to any above ground works, details of measures to minimise carbon dioxide emissions in accordance with London Plan targets shall be submitted to and approved in writing by the local planning authority. The agreed measures shall be implemented prior to occupation of the dwelling and thereafter maintained/retained.
- 8) The dwelling hereby permitted shall not be occupied until the first-floor side elevation windows have been glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level. Thereafter, the glazing shall remain as such.
- 9) The dwelling hereby permitted shall not be occupied until it has been fitted with measures to achieve as a minimum, a water efficiency standard of no more than 110 litres per person per day maximum water consumption (and to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the option requirement defined within Approved Document G of the Building Regulations) and retained so thereafter.
- 10) The dwelling hereby permitted shall not be occupied until surface water drainage works have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning

authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters and water saving measures and equipment;
 - ii) include a timetable for its implementation; and,
 - iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the dwelling hereby approved at first floor level or above in the side elevations.
- 12) The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling hereby approved.
- 13) The dwelling hereby approved shall be constructed to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and all such provisions shall remain in place for the life of the building.