
Appeal Decision

Site visit made on 27 January 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th February 2022

Appeal Ref: APP/R5510/W/21/3287927
26 Parkway, Uxbridge UB10 9JX

- 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 Davinder Lachhar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 43202/APP/2021/1875, dated 7 May 2021, was refused by notice dated 11 October 2021.
 - The development proposed is to demolish the Existing Detached Dwelling and redevelop a Three-storey Detached Dwelling to accommodate 4-bedrooms.
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Decision

1. The appeal is allowed. Planning permission is granted to demolish the Existing Detached Dwelling and redevelop a Three-storey Detached Dwelling to accommodate 4-bedrooms at 26 Parkway, Uxbridge UB10 9JX in accordance with the terms of the application Ref 43202/APP/2021/1875 dated 7 May 2021 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description of the proposal has altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the Hillingdon Court Park Area of Special Local character (ASLC).

Reasons

4. The existing dwelling sits to the west side of Parkway enjoying the benefit of a large plot with an extensive rear garden spanning to the west. It falls within the ASLC. This part of the ASLC is characterised by properties of varying scale, bulk and design. Some properties have retained their original early 20th century appearance, whilst others have overtly modern appearances incorporating varied design features.
5. The evidence indicates that the existing property that would be demolished dates from the 1920's and would have originally incorporated a characterful cruciform planform. However, the character and appearance of the dwelling has previously been compromised by an overly imposing and prominent two storey

front extension meaning that the building as it stands makes only a neutral contribution to the character and appearance of the ASLC.

6. The replacement dwelling would have a modern character. However, it would incorporate gable and hipped roof elements along with a crown roof which would be reflective of nearby dwellings. Crown roofs are incorporated at properties immediately to the north and south at No.24 and No.28 Parkway.
7. Further, the dwelling would not be of excessive size or bulk in comparison to nearby properties. It is also the case that the main body of the house would sit on the same part of the site as the existing property, which would retain the characteristic rhythmic stepping of properties on the western side of Parkway. The height of the dwelling would be consistent with those nearby.
8. The dwelling would utilise the majority of the width of the plot, but would still be set in, such that a path will be provided along each side of the dwelling to the rear garden. Large gaps to the sides of properties are not a uniform characteristic of the area. Much of the depth of the dwelling would be provided by a single storey rear element, which would not be highly visible from public vantage points on Parkway. The proposal would comprise a non-intrusive intervention within the street scene and would therefore preserve the character and appearance of the ASLC.
9. The proposal would subsequently accord with policies BE1 and HE1 of the Hillingdon Local Plan Part 1 Strategic Policies (2012), policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Local Plan Part 2 Development Management Policies (2020) and policies D4, D8 and HC1 of the London Plan (2021).
10. Amongst other things these policies seek high quality design that is appropriate to the character of an area and local context and distinctiveness which protects the historic environment including locally recognised historic features such as ASLC's.

Conditions

11. Conditions have been suggested by the Council and these are broadly included subject to some drafting changes and simplification. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans.
12. Details of final materials are required in the interests of the appearance of the area, although it is not necessary that these be submitted pre commencement. A condition relating to tree protection is necessary given the presence of mature trees to the rear and other trees close to the southern site boundary. A condition to secure obscure glazing to the first-floor side facing windows is necessary in the interests of the living conditions of neighbouring occupiers.
13. I do not consider that a condition requiring details of hard or soft landscaping is necessary given the modest scale of the proposal relating to a single dwelling and a standard arrangement is indicated on the plans. Planning conditions should not be used to restrict permitted development rights unless there is clear justification to do. That clear justification is not before me and the imposition of conditions to this effect would not be reasonable in this instance.

Conclusion

14. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-01, PL-02, PL-03, PL-04, PL-05, PL-06 & PL-07.
- 3) No development, site clearance or preparatory work shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the local planning authority. The scheme for the protection of the retained trees shall be carried out as approved. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) No development of the new dwelling above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwelling have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) The dwelling hereby permitted shall not be occupied until the first-floor windows within the side elevations have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.