



Appeal Decision

Site visit made on 14 November 2023

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal Ref: APP/R5510/W/23/3323220

29 Nicholas Way, Northwood, Hillingdon HA6 2TR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr and Mrs Patel against the decision of the Council of the London Borough of Hillingdon.
- The application Ref 47172/APP/2023/778, dated 14 March 2023, sought approval of details pursuant to condition No 3 (materials) of a planning permission Ref: 47172/APP/2022/3635 granted on 2 February 2023.
- The application was refused by notice dated 12 May 2023.
- The development proposed is demolition and replacement of the existing detached dwelling and garage, with a new detached two storey dwelling (including habitable roof space with 2 front and 2 rear dormers, 6 roof lights and a basement) and associated landscaping and ancillary works.
- The details for which approval is sought are materials.

Decision

1. The appeal is dismissed, and approval of details required by a condition is refused: namely: materials submitted in pursuance of condition 3 attached to planning permission Ref 47172/APP/2022/3635 granted on 2 February 2023.

Background and Main Issue

2. Condition No 3 states that: 'No superstructure works shall take place until details of all materials, external surfaces, external windows and doors have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such. Details should include information relating to make, product/type, colour and photographs/images. The reason given as: 'To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2, (2020).
3. Details were submitted for all materials, external surfaces and external windows and doors, for the consented new dwelling¹. The Council's reason for refusal, however, only refers to the brick and tile being inappropriate. Consequently, I will only consider the details of the proposed brick and tile.
4. Therefore, the main issue is whether the details submitted address the requirements of the condition with particular regard to the effect on the character and appearance of the area, including the Copse Wood Estate Area of Special Local Character (ASLC) non-designated heritage asset (NDHA).

¹ Ref 47172/APP/2023/778

Reasons

5. Nicholas Way is characterised by large houses, generally evenly spaced, set within generously sized plots. The road is wide, with narrow grass verges. Hedges, trees and planting in the front gardens create a pleasant, verdant setting. There are long gardens to the rear. The original dwellings are generally of a traditional design in a variety of architectural styles. Although there is some variance in materials, they are predominantly built in brick in pink/red/light brown tones, although some have a white render. Roofs are generally finished in a traditional tile in a dark red/brown shade.
6. The site is within the ASLC. The London Borough of Hillingdon Local Plan Part 2, Development Management Policies, 2020, (DMP) describes ASLCs as NDHAs that have a character and identity which local residents value and the Council wishes to preserve or enhance.
7. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that the effect of an application on a NDHA should be taken into account in determining an application. It goes on to say that in weighing up applications that directly, or indirectly, affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The appellant refers to the ASLC being described as 'a leafy green estate of large suburban residencies'². The DMP states that most trees within the ASLC are protected by Tree Preservation Orders (TPO) and a plan showing an extensive group TPO, including the site at No 29 Nicholas Way, has been submitted by the Council. I was able to see the characteristics of this generous area of detached housing in differing styles, including two thatched houses that I noted when walking along Nicholas Way, within this verdant setting.
9. The consented dwelling is larger than the property that currently exists on the site. It will have a crown roof, with a two storey, hipped, front projection with a stone entrance portico. The proposed CGI image shows a formal design with the use of stone detailing, combined with a contemporary look created by the use of dark grey window frames, fascia and doors. The consented proposal is for it to be built in soft stock facing brick, plain clay roof tiles and bonnet hip tiles. The submitted details seek to use a 'Staffordshire blue' Dreadnought clay tile and 'Highbury' Vandersanden facing brick.
10. There have been a number of replacement dwellings in this road and within the ASLC. The adjoining property, No 31 Nicholas Way, was being constructed in a reddish brick and traditional tiles at the time of my site visit. The Council, has, however, provided details of the refusal of an application for the use of the same tile and brick at No 31 to that proposed at No 29³.
11. The appellants have directed me to other properties where 'Staffordshire blue' tiles have been used, including the replacement dwelling at No 21 Nicholas Way⁴, which I saw was built with a reddish brick, and to 18 Linksway⁵, also within the ASLC which has 'Staffordshire blue' roof tiles.

² Hillingdon Townscape Character Study

³ Ref: 3353/APP/2021/269

⁴ Ref: 22734/APP/2019/1475

⁵ Ref: 2695/APP/2022/2217

12. Notwithstanding that there are examples in the area of properties that have used 'Staffordshire blue roof tiles', the prevailing characteristic is for brown/red roof tiles and a red/brown brick. Therefore, the use of a blue roof tile, on such a large roofscape, would appear incongruous, particularly as the use of this tile was considered by the Council as inappropriate on the neighbouring property, No 31.
13. Whilst the 'Highbury' Vandersanden brick is described by the manufacturers as being brown, the appellant describes it as buff. The submitted images show that it is much lighter than other bricks used in houses in the vicinity. Extensive areas of brickwork in such a light shade would make the property over dominant in the streetscape, which would be visually detrimental to the area. This is particularly as, despite the generous plots along Nicholas Way, the houses sit forward in the plot, so they are highly visible from the street.
14. From what I observed, the proposed materials would not reflect the generally harmonious material palette of this part of the ASLC. The construction of the consented house in the brick and tile proposed, which does not match the prevailing materials in the area, would therefore have a detrimental effect on the character and appearance of the area. This would harm both this and the significance of this part of the NDHA.
15. The proposal would therefore not accord with Policies DMHB 5, 6 and 11 of the DMP which collectively require new housing, including within the ASLC, to reflect and harmonise with the materials, design features and architectural style predominant in the area. Furthermore, it would not accord with Policy D3 of The London Plan, 2021, which amongst other things, requires development to respond to the existing character of a place. It would also not accord with chapters 12 and 16 of the Framework.

Other Matters

16. The appellant has submitted details of three cases where replacement dwellings have used the brick or tiles proposed for No 29. The first case⁶ dates to 2012 and is a site in Buckinghamshire that has used the blue tiles. The other two cases are at Radlett⁷, which has been built with the blue tile, and in Golders Green⁸ which has used the 'Highbury' brick. However, all of these examples are located outside the London Borough of Hillingdon. Therefore, the context and characteristics of the areas are unlikely to be directly comparable to the site at No 29. Consequently, I do not find that these cases provide compelling evidence to support this appeal.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis INSPECTOR

⁶ Ridgeway, 14 Red House Close, Knotty Green, Buckinghamshire HP9 1XU

⁷ 29 The Avenue, Radlett WD7 7DQ

⁸ Swan Court, 243 Golders Green Road, Golders Green NW11 9PN