



Appeal Decision

Site visit made on 16 April 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2024

Appeal Ref: APP/R5510/W/23/3330258

12 and 12c Murray Road, Northwood HA6 2YJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr J Chana of Subiaco Properties Ltd against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 75948/APP/2021/4573.
 - The development proposed is redevelopment of the existing site to form 7 x self-contained residential units - 4 x 2 bed units and 3 x 3 bed units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is indicated that a set of revised plans were presented to the Council during the determination of the planning application. However, it is clear that the Council based their decision on the original plans, and I must consider the appeal on the same basis. In this respect the revised plans are not the plans that were determined by the Council or upon which the views of interested parties were sought. I cannot therefore be certain that if I was to accept them no party would be prejudiced by my so doing. Accordingly, I have not taken them into account in my assessment of the appeal.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area, including trees, bearing in mind it would be within the Northwood Town Centre, Green Lane Conservation Area (the CA) and within the setting of a listed building;
 - the living conditions of neighbouring occupiers at Tudor Lodge and Copper Beech Court, with regard to privacy, noise and light pollution;
 - the living conditions of future occupiers, with regard to outlook, noise, light pollution, daylight/sunlight and private outdoor space; and
 - promoting the use of sustainable modes of transport, with regard to car parking provision.

Reasons

Character and appearance

4. The appeal site accommodates two detached properties, 12 Murray Road is a substantial detached dwelling, No 12c is a modestly sized bungalow infill development. Murray Road is a predominantly residential area, characterised by large detached and semi-detached properties set within generous plots with a generally consistent traditional appearance. There are gaps between the properties providing glimpses of gardens and trees beyond creating a verdant and spacious character. On the opposite side of Murray Road to the appeal site there is a synagogue and a car park associated with a supermarket.
5. The appeal site falls within the CA. From my observations and the CA Appraisal (2019) the significance of the conservation area, insofar as relevant to this case, is primarily derived from the quality and variety of the historic buildings, including different architectural styles and features, and the leafy and suburban character of the residential roads. No 12 is an attractive period property with a traditional appearance and formed part of the original development of Northwood. While simple in appearance and an infill development, No 12c appears subservient to No 12 and maintains the suburban qualities of the area. The appeal site therefore contributes positively to the CA.
6. The proposal would result in the amalgamation of two plots and the introduction of an uncharacteristically large building centrally within the site that would fill the existing gap between the properties. The breaks in between buildings along Murray Road, such as at the appeal site, are recognised in the CA Appraisal as having an important function within the townscape in allowing views to the rear gardens behind, contributing to a more spacious feel in this part of the CA. Consequently, the proposal would have a poor degree of integration with the layout of surrounding buildings and spaces and would largely block views to the rear gardens behind.
7. Even if no more than 10% of properties on Murray Road would be flats the scale and massing of the proposed building would draw the eye. The incongruous form of development would stand very prominently within the street scene, visually competing with the general rhythm of development. It would change the spacious character of the area, overly intensifying the quantum of built form and permanently altering the character and appearance of the CA which would be readily apparent when viewed in either direction along Murray Road.
8. Despite modern development in the form of the car park and synagogue opposite the appeal site, the proposal's uVPC window frames, side facing dormers and a double front projection design would not relate positively to the prevailing traditional appearance of the area. Balconies may well have been approved as part of a previous scheme at the site, however I do not have precise details of that proposal. The appeal scheme's frameless glazed balustrades on the rear balconies would be a modern addition that would not blend into the townscape. While the properties either side of the appeal site are large, flatted developments they largely retain a traditional appearance and so do not harm the character and appearance of the area in the same way the appeal proposal would.

9. Several trees of various species, age and condition lie within and adjacent to the site boundary which are protected by reason of being in a conservation area and some of the trees are protected by a tree preservation order. The trees make a positive contribution to the verdant character of the CA and have amenity value through public views.
10. The appellant has submitted an Arboricultural Method Statement (2022) (AMS) prepared in accordance with the British Standard 5837:2012. While several trees are proposed to be removed, they are generally of poor quality and low growth potential or unsuitable for retention. The trees of the highest quality and most value would be retained and protected through recognised methods during the construction stage. The AMS confirms that the overall quality and longevity of the trees within and adjacent to the site would not be adversely affected subject the imposition of conditions to secure the proposed tree protection measures.
11. The Council has not addressed the AMS in their appeal submissions and there is no detailed evidence to suggest that the technical conclusions are incorrect or unreliable. I have no clear reason to disagree with the findings and I am therefore satisfied that the proposal would not harm the protected trees and that the positive contribution they make to the character of the CA would be retained, in accordance with Policy G7 of the London Plan (LP), Policy BE1 of the Local Plan Part One Strategic Policies (2020) (SP), Policies DMHB11 and DMHB14 of the Local Plan Part Two Development Management Policies (2020) (DMP). Amongst other things, these policies require the submission of evidence to show how trees of value are retained and protected and that development does not erode the character and biodiversity of suburban areas.
12. The appeal site is in proximity to the Grade II listed building known as Northwood Police Station including Police Lamp, Call Box, Boundary Fence and Gates¹. A notable example of a police station by the architect John Dixon Butler, the significance of this rare and complete example of an Arts and Crafts building within a domestic suburban location derives from its architectural interest. The setting of this listed building comprises the streetscape within which it is located, including the appeal site.
13. While there is to some extent a degree of physical and visual separation with the architectural interest of the listed building, the proposal's scale and massing would sit prominently in the street and the modern design would be noticeable against the generally traditional appearance of the street. Viewed in this context, the proposal would appear out of place, detracting from the streetscape and the listed building in views along Murray Road, having a detrimental effect on the asset's setting. Consequently, the proposal would not preserve the special architectural interest of the listed building.
14. Overall, the proposal would fail to preserve or enhance the character of appearance of the CA and would harm its significance as a whole. The harm that I have identified is 'less than substantial' harm. In those circumstances, the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal. I will return to this matter later.

¹ List Entry Number 1392966

15. For the reasons given, the proposal would harm the character and appearance of the area, failing to preserve the CA and harming its significance and failing to preserve the setting of a listed building. The scheme is therefore in conflict with Policies HC1, D3 and D4 of the LP, Policies BE1 and HE1 of the SP and Policies DMHB1, DMHB2, DMHB4, DMHB11 and DMHB 12 of the DMP. Collectively these policies require development to conserve the significance of heritage assets and their settings by making a positive contribution to the local character and distinctiveness of an area. Proposals should be of the most appropriate form for the site, respond to the site's context and deliver good design that is well integrated with the surrounding area.
16. In addition, it would fail to meet the requirements of section 66(1) and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions within the Framework which seek to conserve and enhance the historic environment.

Living conditions – neighbouring occupiers

17. The proposed access to the rear of the site would run along the shared boundary with Tudor Lodge which has windows on the side elevation. There is a clear gap between Tudor Lodge and the shared boundary, and the access would be partially screened by the existing boundary treatment. Nevertheless, the activity generated by several households, with separate routines, and their attendant comings and goings along with those of their visitors, would lead to a considerable level of activity that would result in a detrimental level of noise and disturbance. Given the gaps in planting along the shared boundary light spill from vehicle headlights would also be discernible from ground floor windows, diminishing the living conditions of these occupiers.
18. The proposed building would be set in from the shared boundary with Tudor Lodge by the proposed driveway and views out of the proposed windows would be filtered by the existing boundary treatment. As such the privacy of the neighbouring occupiers at Tudor Lodge would not be adversely affected. Given the spacious plot sizes and the proposed balconies being set in from the shared boundaries, any views into the garden areas of Tudor Lodge and Copper Beech Court would not be at close range and therefore no adverse harm would result.
19. As such, while the proposal would not be unduly harmful to the privacy of occupiers of Tudor Lodge and Copper Beech Court, it would unacceptably affect the living conditions of neighbouring occupiers at Tudor Lodge with regard to noise and light pollution, in conflict with Policy DMHB11 of the DMP. This policy includes a requirement for development proposals to not adversely impact on the amenity of adjacent properties.
20. The proposal is also contrary to the provisions of the Framework which seeks development that creates a high standard of amenity for existing users.

Living conditions – future occupiers

21. As set out above, there would be a considerable number of movements associated with the proposal. The windows on the side elevation of the proposed building would face directly onto the drive with no screening. This proximity would result in an adverse effect on the future occupiers living conditions with regard to noise and light pollution and would be more marked and intensive than in situations where houses face the street. The appellant

indicates that the windows on the side elevation could be raised to mitigate the effect on the future occupiers living conditions. However, I do not have any plans showing this and it would not be appropriate to comment on a scheme I have not seen.

22. Several of the proposed windows on the main and side elevations would look onto the driveway, some immediately adjacent at the ground floor. The windows would not be unduly small and there would be reasonably open views and an acceptable level of outlook for the future occupiers. The layout of some of the flats include large, long single aspect rooms served by a window at one end. Even if a previous scheme at the site was found to provide ample daylight/sunlight, there is little clear evidence to demonstrate that the appeal proposal would secure adequate levels of daylight/sunlight and that the future occupiers would not have to rely on artificial light.
23. There would be a shortfall in provision in private amenity space and the narrow depth of the proposed balconies would restrict the activities that could reasonably take place in them, thereby limiting their useability. The appellant contends that irrespective of the overall size and depth of the proposed balconies sufficient space would be available to future occupiers in the communal garden. However, it has not been shown how this would be a suitable substitute for the private amenity space required by policy or provide the same function.
24. Therefore, while outlook would be acceptable, the proposal would be harmful to the living conditions of future occupiers, with regard to noise, light pollution, daylight/sunlight and private outdoor space. This would be in conflict with Policy D6 of the LP and Policies DMHB15, DMHB16 and DMHB18 of the DMP. Amongst other things, these policies require that housing development is of a high-quality design and provide comfortable and functional layouts that are fit for purpose. Sufficient daylight/sunlight should also be provided.
25. Additionally, the proposal is contrary to the provisions of the Framework which seeks development that creates a high standard of amenity for future users.

Car parking provision

26. Policies T6 and T6.1 of the LP seek the careful control of new parking provision and sets maximum standards for car parking that takes account of public transport accessibility levels. Based on the appeal site's location within a PTAL 3 rating area and the size and number of flats proposed a maximum of 6 spaces should be provided. The proposal includes spaces for 16 vehicles, a significant over provision. Even if I was to take into account the Council's adopted parking standards requirement set out in the DMP of up to 12 spaces, the proposal would still exceed this requirement.
27. Policy DMT6 of the DMP sets out that any variation in car parking provision must not lead to a deleterious impact on congestion. The proposed quantum of car parking would encourage car ownership and would not therefore reduce car use, or congestion. It also follows that it would discourage the use of more sustainable modes of transport. In doing so the proposal has not had regard to the need to promote active modes of travel and public transport use and would not facilitate residents making regular trips by means other than the private car to support healthy streets.

28. Consequently, the proposal would not promote the use of sustainable modes of transport, with regard to car parking provision, in conflict with Policies T4, T6 and T6.1 of the LP and Policies DMT1 and DMT6 of the DMP. Amongst other things, these policies require that car parking is restricted in line with levels of public transport accessibility and connectivity and for the transport needs of development to be addressed in a sustainable manner.
29. The proposal would also be contrary to the provisions of the Framework that promote sustainable transport including identifying and pursuing opportunities to promote walking, cycling and public transport use.

Other Matters

30. While the appellant has expressed frustrations with the Council's handling of the case, this does not alter or outweigh my findings which are based on the planning merits of this case.

Heritage Balance

31. The harm to the significance of the CA would be less than substantial harm. The Framework requires that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. Any harm to the significance of a designated heritage asset should also require a clear and convincing justification. Nevertheless, the Framework also requires such harm to be weighed against any public benefits.
32. Notwithstanding that the Council indicate that they are able to demonstrate a five-year supply of housing sites, the proposal would provide seven additional dwellings that would contribute to the supply of housing which weighs moderately in favour of the proposal. There are also likely to be modest, time-limited economic benefits from the construction stage. However, in having special regard to the desirability of preserving or enhancing the character or appearance of the CA, these public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.

Conclusion

33. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that indicate that I should take a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR