



Appeal Decision

Site visit made on 19 May 2025

by **B Davies MSc FGS CGeol**

an Inspector appointed by the Secretary of State

Decision date: 13 June 2025

Appeal Ref: APP/R5510/W/25/3360251

6 Newlyn Close, UXBRIDGE, UB8 3PA

- 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 Vinod Takkar against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref is 17607/APP/2024/2602.
 - The development proposed is the erection of a 2 Bedroom semi-detached house, demolition of existing garages and provision of off-street car parking with associated facilities at land adjoining No.6 Newlyn Close, Uxbridge.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - whether the legislative requirements relating to Biodiversity Net Gain (BNG) are met
 - the effect on trees
 - the effect on the character and appearance of the area
 - the effect on highway safety and the local highway network.

Reasons

Biodiversity Net Gain

3. The minimum BNG information required as part of a planning application is set out in Article 7 of The Town and Country Planning (Development Management Procedure) (England) Order 2015. This includes, amongst other things, an assessment of the pre-development biodiversity value, the completed metric tool and plans showing onsite habitats. This information has not been provided.
4. As this is a legislative requirement at the point of application, it is not possible to secure the information through a pre-commencement condition, as suggested by the appellant.
5. Although not argued as part of the appeal, the original application form suggested that a '*de-minimus*' exemption to BNG should apply as 'there are only shrubs and weeds within the site'. I address it for the avoidance of doubt. Vegetated land, even if unkempt, still has measurable biodiversity value. The *de-minimus*

exemption only applies if the area affected is less than 25 square metres, which it has not been suggested is the case here. It has therefore not been demonstrated that the exemption applies.

6. In conclusion, the legislative requirements relating to BNG have not been met. It has also not been demonstrated that Policy DMEI 7 of the London Borough of Hillingdon Local Plan Part 2 (2020) ('Local Plan'), Policy EM7 of the London Borough of Hillingdon Local Plan Part 1 (2021) and Policy G6 of the London Plan (2021), which together require that protection and enhancement of biodiversity is addressed from the outset are fulfilled.

Effect on trees

7. I observed that there were numerous mature trees both on the site and overhanging it. The site plan does not illustrate these, only referencing one conifer that would need to be removed. Having seen the site, I consider it highly likely that more trees would need to be removed or reduced in size to enable the development.
8. Policy DMHB14 of the Local Plan states that applications affecting existing trees must be accompanied by an accurate tree survey showing the location, height, spread and species of trees. This has not been provided and the policy is therefore not met.
9. Policy G7 of the London Plan requires that development should retain existing trees of value where possible. If such trees must be removed, then there should be adequate replacement. No assessment has been provided of the value of the trees, nor a detailed analysis of whether these would need to be removed or how any replacement would be secured. In the absence of any information, it has not been demonstrated that the requirements of Policy G7 can be met.
10. In the absence of evidence to the contrary, I conclude that trees would be negatively affected by the development. It has not been demonstrated that this loss would be avoided where possible, nor how trees would be protected, replanted or replaced. The proposal is therefore in conflict with Policy G7 of the London Plan and Policy DMHB14 of the Local Plan.

Character and appearance of the area

11. It is proposed to erect the new house on the side garden of the host house. The fenced land to the front of this would also be developed for parking. It is described as 'vacant' by the appellant but has the appearance of being an overgrown garden and, in the absence of evidence to the contrary, I will consider it as such. I conclude that the development would therefore result in a notable loss of garden area.
12. There is a presumption against the loss of gardens in Policy DMH6 of the Local Plan, in part for the purpose of protecting character and appearance of an area, and such development is only allowed in 'exceptional cases'. There is no suggestion that this is an exceptional case. Even if it was, the proposal would not meet all the additional criteria for such development, including the requirement for the new building to be subservient to the existing structure. The loss of garden space would cause harm to the character and appearance of the area, and is contrary to local policy.

13. The new building would match the elevation and building line of the existing property and turn the existing semi-detached houses into a terrace. The housing in the area is an irregular mixture of semi-detached and detached houses, several of which have had significant extensions. The harm from creation of an uncharacteristic terrace would be limited, further reduced by the low visibility of the site from the public domain. Overall, I do not find creation of a terrace harmful to the character and appearance of the area.
14. However, the house would be tightly constrained by the boundary of the site, which would necessitate an angled building and cause the plot to appear cramped. This sense of overdevelopment would be exacerbated by the removal of outbuildings to build a parking area for 4 cars. I conclude that the site would appear overdeveloped when compared to the prevailing grain and character of the area, and that this would be to a harmful extent.
15. The site also contributes to a line of trees that create an attractive backdrop to Newlyn Close. As discussed above, in the absence of evidence to the contrary it seems likely that some of these trees would be lost, which would lead to harm to the character and appearance of the area. The plans show the addition of a single tree in the corner of the car park and narrow 'plantation' around the edge of the site. It has therefore not been clearly demonstrated that the visual harm from loss of trees could be mitigated through landscaping.
16. For the reasons above, I conclude that the development would cause harm to the character and appearance of the area. The proposal therefore conflicts with Policies BE1, DMH6, DMHB 11, DMHB 12, DMHB 14 of the Local Plan, and Policy D3 of the London Plan, which together protect the character of an area from loss of gardens and trees, and require the highest standard of design.

Highway safety and transport

17. The access to the property is along a walled track that is wide enough for a single car. The lane is short, but visibility is partially impeded by the garages on either side. Provision for parking would be made at the end of the track, which would be shared between the host house and the new house.
18. There would be a lack of turning space in the parking area. The swept path analysis only demonstrates that there is sufficient room for 4 cars to manoeuvre into an empty space. Based on the plan provided, if all spaces were filled it would not appear possible for additional vehicles, including service and delivery vehicles to turn around. This would result in them having to reverse down the lane to leave the site and into the close. There is also a small risk that cars would meet each other in the lane and one would have to reverse. Increasing the chance of reversing down a lane with sub-optimal visibility into a residential close would increase the risk to highway safety, although I consider this increase to be small, given the low number of users and length of lane.
19. The lane is also too narrow for cars to safely pass pedestrians or cyclists. However, I am satisfied that, given the short length of the lane and how slowly vehicles would be moving, there would be no additional risk to pedestrians and cyclists, albeit the different parties may have to wait for each other to pass.
20. The London Plan states that dwellings with 1-2 bedrooms in an area with a PTAL rating of 3 should have a maximum of 0.75 parking spaces per dwelling. Even if

the house next door has 3 bedrooms, equating to 1 space, the proposal for 4 car parking spaces to serve the two houses exceeds the maximum. The development is therefore contrary to Policy T6 of the London Plan and Policy DMT6 of the Local Plan.

21. A cycle store is proposed in the back garden and bicycles would have to be carried through the house. This would be inconvenient and therefore contrary to Policy DMT5 of the Local Plan. Policy T5 of the London Plan also requires that bicycles must be located in an accessible location and as near as possible to the building entrance, which this proposal does not fulfil.
22. The proposal would increase the risk to highway safety and does not meet the requirements in relation to sustainable transport. It is therefore in conflict with Policies T2, T4 and T6 of the London Plan, and Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan, which maximise safe and convenient access, and promote walking and cycling.

Other Matters

23. I have had regard to the other matters raised by third parties, including the effect on the living conditions of existing occupants. However, I have not found it necessary to consider these further, given the clear reasons for refusal of the appeal identified above.

Planning balance and conclusion

24. The lack of statutorily required BNG information leads to the automatic dismissal of the appeal.
25. Even if the BNG issue was overcome, I would still have dismissed the appeal. The development would result in the loss of garden land for no exceptional reason, which is contrary to local policy. It has not been demonstrated that trees would not be retained where possible, nor that mitigation for any harm or loss would be secured. In addition, I have found that there would be harm to the character and appearance of the area, to highway safety and from not meeting sustainable transport policies.
26. The development would deliver one house within an established residential area in proximity to transport links and facilities, including the nearby hospital. These factors weigh positively towards the scheme, albeit these benefits are limited by the small scale of the development. I do not find that the benefits would outweigh the harms identified, even if the BNG issue were to be overcome.
27. For these reasons, the appeal is dismissed.

B Davies

INSPECTOR