



---

## Appeal Decision

Site visit made on 17 April 2019

**by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 May 2019**

---

### **Appeal Ref: APP/R5510/W/19/3221731**

#### **60 Long Lane, Ickenham, UB10 8SZ**

- 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 Greengables (Mr Rod Flood) against the decision of London Borough of Hillingdon.
  - The application Ref 70282/APP/2018/612, dated 16 February 2018, was refused by notice dated 14 December 2018.
  - The development proposed is a Two storey detached building with habitable roof space for use as 7 x 2 bed flats with associated amenity space and parking involving demolition of existing dwelling and installation of vehicle crossover.
- 

### **Decision**

1. The appeal is allowed, and planning permission is granted for a two storey detached building with habitable roof space for use as 7 x 2 bed flats with associated amenity space and parking involving demolition of existing dwelling and installation of vehicle crossover front at 60 Long Lane, Ickenham, UB10 8SZ in accordance with the terms of the application, ref: 70282/APP/2018/612, dated 16 February 2018, subject to the following conditions:
  - 1) The development hereby permitted shall be begun not later than three years from the date of this decision;
  - 2) The development shall be carried out in accordance with the following approved plans: 17/3124/101, 17/3124/102B, 17/3124/105B, 17/3123/110 and 17/3124/103A.
  - 3) Notwithstanding condition 2 prior to commencement of any works above slab level place details of the screened storage of refuse bins and covered and secure cycle storage shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and no part of the development shall be occupied until the facilities have been provided and thereafter the facilities shall be permanently retained;
  - 4) Prior to commencement of any works above slab level details of a sound proofing scheme, certified or to the certifiable standards of the Association of Noise Consultants (ANC) or UK Accreditation Services (UKAS), between each floor shall be submitted to the local planning authority for approval. The development shall be carried out in accordance with the approved details;

- 5) Prior to commencement of any works above slab level a detailed scheme for hard and soft landscaping, boundary walls, fences or other means of enclosure shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to occupation of the development;
- 6) Prior to commencement of any works above slab level samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 7) The development shall be carried out in accordance with the measures outlined in the submitted Tree Survey, Arboricultural Impact Assessment and Method Statement dated September 2017 (amended January 2018).

### **Procedural Matters**

2. The description of the proposal on the application form proposed 8 x 2 bed flats but the proposal has been amended with the number of flats reduced to 7. For the avoidance of doubt I have outlined the development proposed as per the description on the Council's refusal notice.

### **Main Issues**

3. The main issues to be considered are (i) the impact of the proposal upon the character of Ickenham Conservation area, (ii) the impact of the proposal upon the amenity of neighbouring properties with particular regard for privacy and (iii) the standard of living accommodation provided for future occupiers.

### **Reasons**

4. The appeal site consists of a substantial detached property, which has been extended to fill the width of the large plot within which it stands. The property is set back from the road, consistent with the building line within the street scene, and has a carriage driveway with two access points. I note from my site visit that whilst the area is predominantly characterised by detached dwellings, in good sized plots, there is existing flatted development. Examples can be seen at No. 66, which appears to be nine flats, as well as further flatted development adjacent to this.

#### *Impact upon the Character of Ickenham Conservation Area*

5. In principle the Conservation Officer's concern, and thus one of the reasons for refusal, is based upon the loss of the existing dwelling.
6. From my site visit I note that there is no one overriding architectural theme in the immediate area. It is only the building line and property heights providing any real consistency. No.60 has been subjected to a number of unattractive extensions to the front and sides of the property. This has resulted in a lack of distinguishing features or style. I am not aware of any historical interest in the house itself which would warrant its retention and I concur that it has a lack of architectural merit, supported by the appellant's detailed assessment. With no up to date conservation area assessment I have no evidence before me that suggests the property makes a contribution to the overall character of the conservation area.

7. The proposed replacement building has been designed to reflect the prevailing architectural values and themes of the conservation area, such as arts and crafts style, hipped rooflines, chimneys, projecting gables, adherence to building height and gaps between built development. Visually, it presents itself as a large residential property rather than flatted development. On the evidence before me I consider that the replacement building will make a positive contribution to the conservation area when compared to that of the existing property. The positive nature of the replacement building will justify demolition of the existing property.
8. The submitted street scene shows an overlay, via a dotted line, of the existing property on the proposed building. The existing dwelling fills the width of the plot, though this is acknowledged to be through single storey side extensions. The proposed development would bring the actual footprint of built development in and away from the boundaries to the side. This, combined with the minimal additional built form to the sides with the cat slide roof, leads me to find the proposal does maintain adequate set back from the sites side. It also maintains the open gap features at first floor level. I do not find that the proposal represents a substantial addition to the street scene.
9. The neighbouring property, No. 62, is of a comparable depth front to back albeit it is acknowledged it is not square in form. The building at No. 66 is slightly larger, though in a larger overall plot. The proposed plan is a double-pile of roughly square form. It is noted that its depth is greater than the existing single-pile plan. Despite this, given the size of the plot and the space retained to both the front and rear, I do not find the proposal to be incompatible or of a large enough contrast to warrant refusal. Whilst the side elevations are almost blank, I do not find that this is detrimental as their visibility will be limited due to neighbouring built form.
10. I find that proposed building would respect the building line and height of neighbouring properties. The design reflects an arts and crafts architectural scene and I do not find the size, scale and design would result in a cramped, intrusive and visually dominant form of development.
11. I do not find that the proposal would create a precedent given that each case should be considered on its merits. Furthermore, I do not agree with the Council's assessment that the cumulative and incremental harm that *could* arise from similar development in the future *could* adversely affect the significance, character and appearance of the conservation area resulting in substantial harm. Fear of a precedent is not sufficient to warrant refusal. It falls to consider the impact of the proposal which is the subject of this appeal.
12. The Council's report acknowledges, and I concur, that the level of harm to the appeal site itself would be less than substantial harm. I would also conclude that the harm to the conservation area itself is also less than substantial if at all. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) requires great weight to be attributed to harm regardless of the level of harm identified. Paragraph 196 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum use.

13. The development offers potential social benefits in terms of increasing housing supply and the availability of seven smaller units. It would also have economic benefits for local services and facilities once occupied, together with short term and temporary economic benefits in terms of necessary construction works associated with the development. The development also offers environmental benefits through the provision of modern housing, which will be required to meet energy standards through building regulations and offers an opportunity for environmental enhancement through landscaping and management of the on-site trees. The proposal is also located in a sustainable location with sustainable transport options available to future occupiers. I find that the great weight which should be given to the less than substantial harm to the designated heritage asset is outweighed by any public benefits.
14. Overall, I find that the proposal would be consistent with LP1<sup>1</sup> Policy BE1 which seeks to secure a high quality of design and to improve and maintain the quality of the built environment, LP2<sup>2</sup> Policy BE13 due to the layout and appearance harmonising with the street scene and LP2 Policy BE19 which seeks to ensure new development complements the amenity and character of the area. The proposal would also be consistent with LP2 Policy BE4 due to the building being demolished not having been found to make a positive contribution to the area.
15. In addition, the proposal would be consistent with London Plan 2016 Policy 7.4 which seeks to ensure development has regard for the street and scale, mass and orientation of surrounding buildings and is informed by the surrounding historic environment. The proposal would also be consistent with London Plan Policy 7.8 which requires development affecting heritage assets and their settings to be sympathetic to form, scale, materials and architectural detail.

#### *Amenity of Neighbouring Properties*

16. The proposal would exceed the Council's minimum separation distances between the proposed building and habitable windows to neighbouring properties. The Residential Layout Supplementary Planning Document (SPD)<sup>3</sup> does, however, require this distance to be applied to private garden area or patio area normally taken to be the 3m depth of rear garden immediately adjoining the rear elevation of a residential property.
17. The distance from the windows in the rear elevation of the proposal, to the private garden area 1 Neela Close, will fall just short of the 21m provided as a guide in the SPD. The orientation of 1 Milton Close means that a large proportion of private garden area will be beyond 21m away and the area immediately behind 1 Milton Close, closest to the appeal proposal, would be largely screened from view by an existing garage structure as noted when fulfilling a request to view from this property.
18. In the case of both 1 Neela Close and 1 Milton Close the existing mature tree and hedge screening along the rear boundary of the site would be retained, as outlined in the submitted tree protection plan and noted on the site layout plans, and there are additional trees and hedging in neighbouring gardens.

---

<sup>1</sup> Saved Policies of the Hillingdon Local Plan: Part 1 Strategic Policies 2012

<sup>2</sup> London Borough of Hillingdon Unitary Development Plan (adopted 1998) Saved Policies (2007)

<sup>3</sup> Hillingdon Design and Accessibility Statement (HDAS) Residential Layouts Supplementary Planning Document (2006)

The trees are noted as low quality, but the submissions do state that they have an estimated life expectancy of at least ten years. A condition requiring the measures outlined in the arboricultural report can be applied and the submitted plans clearly show their retention. I am of the opinion that the retention and management of the trees would, in this case, prevent loss of privacy and compensate for the very small shortfall in separation distance between the rear elevation windows and neighbouring private garden areas.

19. There are three rooflights proposed in each of the side elevations. Amended plans 17/3124/105B (proposed elevations) show the rooflights to have been moved up and a sectional drawing (17/3124/10) provided demonstrating the cill level for the rooflights at 1.8m above floor level. This would, therefore, preclude overlooking and loss of privacy to neighbouring properties.
20. I do not find that the proposal would result in any harmful impact in relation to loss of privacy to occupiers of neighbouring properties. The proposal fulfils the objectives of the design guidance in the Residential Layout SPD which seeks to ensure privacy for occupants and that of the adjoining residential properties.
21. The proposal would be consistent with LP2 Policy BE20 which seeks to safeguard the amenity of existing houses, LP2 Policy BE21 which seeks to prevent significant loss of residential amenity and LP2 Policy BE24 which requires that the design of new buildings should protect the privacy of occupiers and their neighbours.

#### *Standard of living accommodation for future occupiers*

22. The housing standards<sup>4</sup> set out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for future occupiers. The Council's delegated report fails to take account of amended plans 17/3124/103A and 17/3124/105A which are understood to have been submitted prior to determination of the application. These amended plans address the previous failure to meet space standards as the first-floor flats are now two, two-bedroom/four person units and one two-bedroom/three-person unit. They meet the required standards of 70 sq/m and 61sq/m respectively.
23. The proposal would be consistent with London Plan<sup>5</sup> Policy 3.5 which seeks to implement minimum space standards for new dwellings to ensure an appropriate standard of living for future occupiers.

#### **Other Matters**

24. I note there are a number of objections to the proposal which are summarised within the Council's delegated report. A number of issues raised within these objections have already been discussed above. I have no evidence before me to suggest that the site does not provide adequate parking and note that the Highway Authority have responded to say they are satisfied that the proposal would not exacerbate congestion or parking stress and would not raise any highway safety concerns in accordance with adopted policy. Similarly, they have raised no concerns relating to pedestrian, highway safety or access for emergency vehicles.

---

<sup>4</sup> The Housing Standards (Minor Alterations to the London Plan) March 2016

<sup>5</sup> London Plan 2016

25. I have no evidence before me which suggests that the area requires more family housing or that the proposal would lead to a loss of wildlife or habitat. The Council have not raised any concerns relating to loss of light or being overbearing and found the proposal would not significantly impact upon the amenity of neighbouring occupiers. I have no evidence before me to suggest that the proposal will lead to localised flooding, nor have the Council raised this as a potential issue within their submissions. A condition relating to screened refuse bin storage can be applied to the consent granted to ensure adequate storage facilities as well as an appropriate location for such facilities.
26. The number of trees lost is small and a full tree survey has been supplied with the submissions with clear plans as to trees to be removed as part of the proposal. The document also outlines protection for trees as a result of the development. The submissions demonstrate retention of the trees along the rear boundary. Conditions requiring compliance with the plans and submitted arboricultural report can be applied. Any trees which are subject to a Tree Preservation Order could not be removed without consent from the Local Planning Authority.

### **Conditions**

27. I have undertaken some minor amendments to the Council's suggested conditions to ensure that they are consistent with paragraphs 55 and 56 of the Framework.
28. A condition requiring the development to commence within three years is required to comply with Section 91 of The Town and Country Planning Act 1990. A plan condition is required to define the development. A condition relating to external materials is required to ensure a satisfactory finish which is appropriate within the conservation area. A condition relating to refuse bin storage facilities is required to protect the amenities of neighbouring properties and ensure adequate facilities for future occupiers.
29. A condition relating to a sound proofing scheme is required to protect the living conditions of future occupiers and a condition relating to cycle storage required to encourage sustainable transport methods in accordance with both local plans and the Framework. A condition relating to boundary walls, fencing, enclosure and a landscaping scheme is required to ensure a satisfactory appearance within the conservation area. Finally, a condition requiring compliance with the submitted arboricultural survey, which demonstrates retention of trees to the rear boundary, is required to protect the privacy of nearby properties.

### **Conclusion**

30. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be allowed subject to the conditions outlined at the start of this decision.

*Eleni Randle*

INSPECTOR