

APPEAL

against the refusal by London Borough of Hillingdon to grant
permission for Variation of Condition ref.no. 5625/APP/2023/937
at

1372 UXBRIDGE ROAD, HILLINGDON, UB10 0NQ

On behalf of Mr Chris Hill

**Dale Venn Architects Ltd
Chartered Architects, Planners & Surveyors
High House, Harlington Road, Hillingdon,
Middlesex. UB8 3HX.**

**Tel: 01895 237345
e-mail: dalevennarchitects@gmail.com**

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Grounds of Appeal

This Appeal is regarding the refusal (ref.no. 5625/APP/2023/937) by London Borough of Hillingdon to grant permission for Variation of Condition 2 (approved plans) of planning permission ref. 5625/APP/2019/917 dated 10-05-2019 'Three storey building for use as 3 x studio flats and 2 x 1-bed self-contained flats, installation of 2 x vehicular crossovers and demolition of existing two storey building' to enlarge two studio flats.

The original application 5625/APP/2019/917 was submitted on 15th March 2019.
A full planning permission was granted on 10th May 2019.

The project involves demolition and clearance of the existing structure which was an HMO (House in Multiple Occupation) of two storeys probably of former commercial units. The building included six studio units each having an ensuite toilet and shower plus cooking facilities.

The proposed replacement building is to be of 3-storeys providing 2 one-bedroom flats, each including bathroom and kitchen, plus 3 studio units each having an ensuite shower room and open-plan kitchen.

The development will provide a great improvement in living standards through a reduction of number of units.

The 2 studio units and the 2 one-bedroom units at upper floors each are to have private outside balcony space.

The intention of the project was to provide a quality of design both externally and within to replace the unattractive existing structure.

As an end-of-terrace building, care has been taken to consider the street elevations and in particular to compliment the design, recently approved, of a three-storey apartment building at the western end of the terrace abutting Knights Gardens, number 1380, this being just separated by a single storey electrical sub-station from the main block.

The planning permission 5625/APP/2019/917 for the project had several conditions attached.

On 14 April 2022 the application 5625/APP/2022/1248 for the discharge of Conditions 3 (Materials) and 4 (Soft and Hard Landscaping) has been submitted to Hillingdon Council. The approval decision was issued on 18th October 2022.

The building works have started, and the existing building is now demolished.

However, although the approved units meet the minimum standards set out in the London Plan and local planning policies, the applicant's aim is to increase size of two flats which would provide improved living accommodation for future residents.

This change requires increasing the size at the rear of the approved building facing Hewens Road as well as some modifications to balconies and window locations.

Since the amendment is minor and has no significant impact on the overall design and use of the proposed building the application for a variation of condition to replace the approved plans with new drawings showing the changes, was submitted to the Council on 29 March 2023.

The application was acknowledged and validated by the Council with reference 5625/APP/2023/937.

The original submission was for changing two studios into one-bedroom flats. However, during the application process the Planning Officer raised the concerns that the proposal would result in an amendment to the description of the development of the original planning permission and cannot be accepted as variation of condition application. Therefore, the amended application form and drawings were provided to the Council on 12th May 2023.

The application was refused by the Council on 24 May 2023 stating a single reason for refusal as described below:

“The proposal, by reason of its forward projection towards Hewens Road and the increase in the undercroft, in close proximity to the site boundaries, would result in a cramped and incongruous form of development which would detract from the character and appearance of the surrounding area and the visual amenities of the street scene. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHD 12 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (2020)..”

Response to the reason of refusal

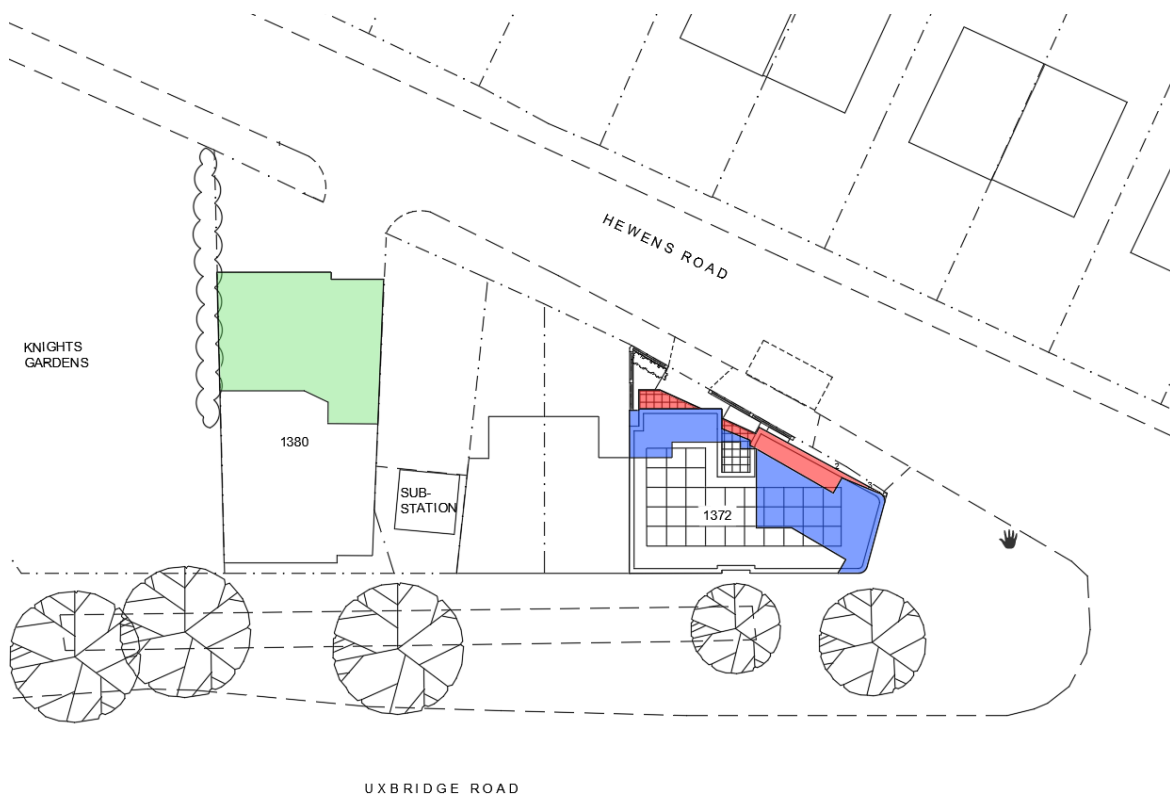
“Undercroft”:

Although there is no planning policy setting out allowable sizes of undercroft areas, in the Officer’s Report the Council stated that it would result in a dark and uninviting space, detrimental to the street scene.

The proposed increase of the footprint of the building is by approximately 11% . This results in total undercroft area of 66.7 sq. m whereas the previously approved was 53.19 sq. m. For comparison the building at the site no. 1380 Uxbridge Road has an undercroft of approximately 85 sq.m. Although the footprint of the entire building at no 1380 is larger than the proposal at no.1372 the ratio of the footprint to the undercroft is similar for both sites.

The diagram below shows in blue area of approved undercroft, in red the proposed and in green existing undercroft at no. 1380.

Diagram 1



The undercroft is for parking use and for bin storage and the main entrance to the building is from the Uxbridge Road.

Since the additional footprint is stretched out along the longest elevation it will have no significant impact on to the undercroft area with regard to darkness. Also there will be external lighting installed of which the layout is already approved app. ref. no. 5625/APP/2022/1248.

“Cramped and incongruous form of development:”

The proposed enlargement would increase the mass of the building, but this does not detract from the character and appearance of the area. The proposed structure would be of the same height as the existing building at no. 1380 and of a similar design. As approved the “discharge of conditions application 5625/APP/2022/1248” the materials and colours will match the existing at no. 1380. Moreover, the existing building at no. 1380 is larger in scale than the proposed.

As an end-of-terrace building, care has been taken to consider the street elevations and in particular to compliment the design recently built of three-storey apartment building at the western end of the terrace abutting Knights Gardens, number 1380 as well as the shape of the corner plot. The proposed enlargement sits as comfortably within the site as does the approved building.

Conclusion

The applicant's prerequisite for this project was to provide residential units being studio and one-bedroom flats which would be targeted by the first-time buyers. However, since the government “help to buy” scheme stopped, the previously inflated prices of new homes have dropped. From the economical perspective this had a significant impact on the project which is not financially viable for the applicant anymore.

Therefore, the proposed modifications providing increased residential floor area would not only provide a better living environment for future occupiers but would also help to make the project viable to applicant.

The proposed enlargement would not have a harmful impact on the character of the area. Instead, the building would provide improvement to the street scene.

Relevant Policies

Analysis of policies Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11, DMHD 12 and DMHD 1 of the Hillingdon Local Plan Part Two - Development Management Policies (2020) follows and concludes this statement

Policy BE1 : Built Environment – In our view the proposal meets the relevant paragraphs of this policy just as the approved building i.e.:

- achieves a high quality of design, which enhances the local distinctiveness of the area, contributes to community cohesion and a sense of place,
- is designed to be appropriate to the identity and context of Hillingdon's buildings, townscapes, landscapes and views, and make a positive contribution to the local area in terms of layout, form, scale and materials and protect the amenity of surrounding land and buildings, particularly residential properties.

Policy DMHB 11 : Design of New Development - The proposal just as the approved scheme harmonise with the local context therefore meets the relevant requirements of this policy.

Policy DMHD 12 : - There is no such a policy listed in the Hillingdon Local Plan Part Two

Policy DMHD 1: Alterations and Extensions to Residential Dwellings - This is listed under Householder Development Policies of the Hillingdon Local Plan Part Two - Development Management Policies (2020) and is not relevant to our application. The application was for variation of condition to planning permission for a new development.