



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Paul Caraco

Proposal:
Erection of 2-bedroom end-of-terrace dwelling.

Appeal Site:
8 Cleaveland Road Uxbridge

Our Ref: 32669/APP/2023/1438

Your Ref: APP/R5510/W/23/3329120

1. Introduction

- 1.1 This appeal statement is submitted by the London Borough of Hillingdon, as the Local Planning Authority (LPA), in respect of the appeal against its refusal to grant 32669/APP/2023/1438
- 1.2 The LPA refused planning permission on 16-08-23 for the following reason (as stated on the decision notice):
- (1) The proposed development, by reason of its siting, size, scale, layout, width and detailed design would constitute a cramped form of development which would not be in keeping with the prevailing character of residential dwellings in the area and would unbalance the appearance of the detached property to which it would adjoin. The proposal would therefore be detrimental to the visual amenities of the streetscene and the character of the Conservation Area, contrary to Policy BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021), as well as paragraphs 130 of the NPPF (2021).
 - (2) Insufficient private amenity space would be provided for the proposed dwelling, resulting in a poor standard of accommodation for future occupiers, contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and paragraph 130(f) of the NPPF (2021).
- 1.3 The LPA's case is set out in the Planning Officer's delegated report, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1. Copies of the relevant policies will be provided separately and a list of recommended conditions is provided in Appendix 2 in the event that the decision is overturned.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case. The appellants statement of case is limited, the first section relates to extensions of time which were agreed and the length of time it took to reach a decision. Neither of these are material to the assessment of this appeal nor should they have an impact on the appeal decision.

2. LPA Comments on Appellant's Statement of Case

Reason for refusal 1

2.1 The appellant provides little, if any response to the points of concern set out within the delegated report which resulted which form reason for refusal 1.

2.2 The appellants Statement of Case (SOC) refers to the development as being attached to the main dwelling and is effectively an upward extension to the side of the property. If this were the case then the appeal scheme should conform to policy DMHD 1 of the Local

Plan Part Two. This is not an extension to an existing property which would constitute a householder development, it is a full application for a new dwelling therefore this point is not accepted. Furthermore, the scale of development is above what is considered to be acceptable for an extension and this is due to the fact that the development proposed is for a new 2 bedroom dwelling rather than an extension which would need to be subordinate and ancillary to the existing dwelling.

2.3 Section 7.1 of the delegated reports sets out the established character of the immediate and wider context and provides an assessment of the potential impact. Apart from examples which the appellant considers to be material to the assessment of the application no response is made to why the scale, bulk and mass of the new attached dwelling should be considered acceptable.

2.4 PINS will be aware that all development applications are required to be assessed upon their own merit and the constraints of each site will differ. The LPA have considered the prevailing character and appearance in the immediate context, and this is made clear within section 7.1 of the delegated report. However, it is clear from reviewing the examples provided, the scale of the development is less than what is proposed on this site as is the architectural composition of the existing dwellings therefore the examples are not considered to be relevant, nor do they provide a precedent which should be considered material to the assessment of the application.

Reason for refusal 2

2.5 The appellant refers to the submission of updated plans. The submitted drawing subject to consideration by PINS as part of this appeal is labelled 22/106/02 Rev A and indicates there to be 41.2 m². As stated in the delegated report section 7.5, this does not comply with the Local Plan Policy DMHB 18.

3. Other Matters

3.1 No other matters are raised by the Council.

4. Conclusion

4.1 In conclusion, the appeal scheme would result in significant harm to the character and appearance of the street scene and would fail to provide

Appendices

Appendix 1 – Planning Officer's Delegated Report

Appendix 2 – The LPA's Recommended Conditions

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from 21st September 2022.

REASON

To comply with Section 91 of the Town and Country Planning Act 1990

2. Approved Plans

The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers;

Design and Access Jan 2023

22_106_03

22_106_02A

22_106_02

Thereafter the development shall be retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development complies with the provisions of the Hillingdon Local Plan Part 1 (2012), Part 2 (2020) and the London Plan (2021).

Materials

The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building and shall thereafter be retained as such.

REASON

To safeguard the visual amenities of the area and to ensure that the proposed development does not have an adverse effect upon the appearance of the existing building in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020)

Landscaping

No development shall take place until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include: -

1. Details of Soft Landscaping

1.a Planting plans (at not less than a scale of 1:100),

1.b Written specification of planting and cultivation works to be undertaken,

1.c Schedule of plants giving species, plant sizes, and proposed numbers/densities where appropriate

2. Details of Hard Landscaping
 - 2.a Refuse Storage
 - 2.b Cycle Storage
 - 2.c Means of enclosure/boundary treatments
 - 2.d Car Parking Layouts (including demonstration that 5% of all parking spaces are served by electrical charging points)
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.
4. Schedule for Implementation

Thereafter the development shall be carried out and maintained in full accordance with the approved details.

REASON

To ensure that the proposed development will preserve and enhance the visual amenities of the locality and provide adequate facilities in compliance with policies DMHB 11, DMHB 12, DMHB 14, DMEI 1 and DMT 2 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

No additional windows or doors

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England)Order 2015 (or any order revoking and re-enacting that Order with or without modification), no additional windows, doors or other openings shall be constructed in the walls or roof slopes of the development hereby approved.

REASON

To prevent overlooking to adjoining properties in accordance with policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

Removal of PD rights

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking and re-enacting that Order with or without modification); no garage(s), shed(s) or other outbuilding(s), nor extension or roof alteration to any dwellinghouse(s) shall be erected without the grant of further specific permission from the Local Planning Authority.

REASON

To protect the character and appearance of the area and amenity of residential occupiers in accordance with policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020)

Construction Management Plan

Prior to the commencement of the relevant phase of the development hereby approved (including demolition), a Demolition and Construction Logistics Plan (DLP/CLP) and a Demolition and Construction Management Plan (DMP/CMP) shall be submitted to, and approved in writing by, the Local Planning Authority, to minimise impacts to the local highway network, and to control noise, vibration and air pollutants generated as a result of the construction process. These documents shall be prepared in accordance with the London Freight Plan, 'The control of dust and emissions from construction and demolition' Supplementary Planning Guidance, BRE Pollution Control Guides 'Controlling particles and noise pollution from construction sites' and 'Controlling particles, vapour and noise pollution from construction sites'.

The DLP/CLP and DMP/CMP shall include details of (but shall not necessarily be limited to):

- (i) a programme of works, including hours of construction;
- (ii) the measures for traffic management and encouragement of sustainable modes of transport for workers, including prohibition of construction vehicles parking on the local highway network within the vicinity of the application site;
- (iii) the haulage routes and details of a vehicle booking system including use of a banksman (if applicable), ensuring construction deliveries are received outside peak hours;
- (iv) any closures of public routes and diversions, demonstrating how time spent closed to the public has been minimised;
- (v) the provision of secured restricted access as the sole means of entry to site for cyclists along with a secured turnstile entrance for pedestrians;
- (vi) a site plan identifying the location of the site entrance, exit, visibility zones, wheel washing, hard standing, hoarding (distinguishing between solid hoarding and other barriers such as heras and monarflex sheeting), stock piles, dust suppression, location of water supplies and location of nearest neighbouring receptors;
- (vii) the loading, unloading and storage of equipment, plant, fuel, oil, materials and chemicals;
- (viii) the means to prevent deposition of mud on the highway and chemical and/or fuel run-off from into nearby watercourse(s);
- (ix) a dust risk assessment, including means to monitor and control dust, noise and vibrations, following the published guidance by The Institute of Air Quality Management (IAQM) on how to assess impacts of emissions of dust from demolition and construction sites. This must demonstrate compliance (drawn up accordance with) the GLA Control of Dust and Emissions from Construction and Demolition SPG (or any successor document);
- (x) the likely noise levels to be generated from plant and construction works and the precautions set out to eliminate or reduce noise levels where the operational risk levels illustrated within The Control of Noise at Work Regulations 2005 could be exceeded;
- (xi) confirmation that a mobile crusher will/won't be used on site and if so, a copy of the permit and intended dates of operation;
- (xii) confirmation of all Non-Road Mobile Machinery (NRMM) to be used, or a statement confirming that NRMM will not be used. All Non-Road Mobile Machinery (NRMM) and plant to be used on site of net power between 37kW and 560 kW shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" and must be registered at <http://nrmm.london/>;

- (xiii) an asbestos survey and management plan; and
- (xiv) the arrangement for monitoring and responding to complaints relating to demolition and construction.

and, for the avoidance of doubt:

- (i) all Heavy Goods Vehicles associated with the development shall comply with the Direct Vision Standard, with a rating of 3 stars (or more);
- (ii) all deliveries to the site, particularly Heavy Goods Vehicles, shall be made using vehicles which have a Class VI mirror fitted in accordance with EU directive 2007/38/EC.

The development hereby approved shall be implemented in accordance with the approved DLP/CLP and DMP/CMP.

REASON

To ensure that the proposed development does not interfere with the free flow of traffic and conditions of safety on the public highway, to ensure the development process does not have a significant adverse impact on the amenities of nearby residential properties, in accordance with Policies DMT 1, DMT 2, and DMEI 14 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020) and Policies D14, SI 1, T4, and T7 of the London Plan (2021). Also, to ensure that construction work and construction equipment on the site and adjoining land does not obstruct air traffic movements or otherwise impede the effective operation of air traffic navigation transmitter/receiver systems, in accordance with Policy DMAV 1 of the Hillingdon Local Plan: Development Management Policies (2020).