



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr Gurmeet Singh

Proposal:

Erection of a detached two storey 1-bed dwelling with associated parking and amenity space at land adjacent to no.51 Bishops Road, Hayes

Appeal Site:

51 Bishops Road

Our Ref: 64416/APP/2023/1459

Your Ref: APP/R5510/W/23/3329903

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 64416/APP/2023/1459
- 1.2 The LPA refused planning permission on 20-07-23 for the following reason (as stated on the decision notice):
 - (1) The proposed dwelling by reason of its cramped siting and design, would fail to harmonise with the local context, and would be incongruous, visually dominant and detrimental to the visual amenities of the street scene and the character and appearance of the area contrary to Policy BE1 of the Hillingdon Local Plan: Part One Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMH 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Chapter 12 of the National Planning Policy Framework (2021).
 - (2) The proposed development, by virtue of its size and positioning, would provide an unacceptable residential environment and would cause significant harm to the residential amenities of the neighbouring occupiers at No. 51 Bishops Road and its private amenity space, in terms of loss of privacy and visual intrusion, contrary to Policy DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and paragraph 130 (f) of the NPPF (2021).
 - (3) The proposed rear amenity space, on account of its close proximity to the rear boundary of 51 Bishops Road, would be heavily overlooked and lack privacy, providing a poor standard of accommodation for future occupiers of the proposed dwelling contrary to Policies DMHB 16 and 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. Appendix 2 forms part of this document and includes a set of suggested conditions as requested.
- 1.4 This statement will not repeat the delegated report and will focus on addressing matters raised in the Appellant's statement of case.

2. LPA Comments on Appellant's Statement of Case

2.1 The appellant refers to “Part 2 Policies” and “HDAS – EXT” on page 7 which are not relevant to the assessment of the application or appeal scheme given they are superseded by the adoption of the Hillingdon Local Plan : Part Two – Development Management Policies (2020).

Reason for refusal 1

2.1 Section 7.2 of the delegated report sets out the key features which comprise the prevailing character and appearance of the street scene. The main point being that the street scene is lined with a fairly rigid front building line and consists of almost entirely two storey semi-detached dwellings.

2.2 The appellant makes reference to the only detached dwelling within the street scene which at No.63 Bishops Road. Whilst each application should be assessed on its own merit, one example of poor design should not be used to justify another. It is clear that appeal scheme presents a departure from the character and appearance of the street scene, would appear to be a cramped form of development, similar to 63A Bishops Road and would therefore contravene Policy DMH 6 of the Local Plan Part Two (2020) which has been adopted post the approval of the dwellinghouse on the 63 Bishops Road site.

2.3 Notwithstanding the above, the appeal site is very different to the plot which is now occupied by 63A Bishops Road. The appeal scheme does not benefit from an access road wide enough to provide space for vehicle and pedestrian access creating a reasonably wide separation distance between properties. Furthermore, the rear garden would abut both the appeal property and those of the surrounding neighbours both to the rear and the side. This again creates the view of cramped and incongruous form of development, with a linear block design squeezed in between two dwellings.

2.4 Reason for refusal 1 also refers to Policy DMH 6 which is the backland / gardenland development policy. This is directly linked to the principle of development given that in order for the proposal to be considered acceptable in principle, it must demonstrate compliance with the requirements set out in the policy. The delegated report makes clear that the design is a departure from the prevailing character of the street scene. Due to the cramped form of development serious concerns regarding overlooking are raised. The proposal also fails to provide or retain adequate living conditions for future occupiers of the development. All three of these reasons results in a failure to conform with DMH 6 and therefore the principle of intensifying the established residential use of the site is not acceptable.

Reason for refusal 2

2.5 Section 7.1 of the delegated report makes a clear representation of the council’s position on both the requirement to protect the visual amenities of the neighbouring dwellings and the significant harm upon the visual amenities of No.51 in terms of the overbearing, overshadowing and sense of enclosure from within the dwelling itself and also the garden. This is due to the lack of separation distance and orientation of the existing dwelling itself, clearly demonstrating the proposed overdevelopment of the site.

Reason for refusal 3

2.6 Policy DMHB 18 states that all residential development should be designed to include private amenity space. Moreover, it states that the private amenity space should be well located and usable. The appeal scheme fails on both grounds as the modest rear garden would experience severe overlooking which given the cramped form of the development would be unavoidable, creating an uncomfortable relationship between the appeal scheme and the neighbouring properties and is likely to render the use of the garden.

3. Other Matters

3.1 No other matters are raised by the Council.

4. Conclusion

4.1 In conclusion, the appeal scheme would fail to integrate with the prevailing character and appearance of the street scene resulting in harmful back land/garden land development and an overdevelopment of the appeal site. Furthermore the appeal scheme would result in detrimental harm upon the visual amenities of existing properties and fail to provide adequate standards of living accommodation.

Appendices

Appendix 1 – Planning Officer’s Delegated Report

Appendix 2 – The LPA’s Recommended Conditions (see below)

Appendix 2 Suggested Conditions

1. Time Limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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;

N.A/51BR/102 A

N.A/51BR/105 A

N.A/51BR/103 A

Site Location Plan

N.A/51BR/108 A

Design and Access Statement

N.A/51BR/106 A

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).

3. Materials

No development shall take place until details of all materials and external surfaces, , including details of balconies have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policy DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

4. 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 5

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 surfing/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).

5. 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).

6. 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) 6

7. 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/>; 7

(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).