



APPEAL STATEMENT

51 BISHOPS ROAD HAYES UB3 2TF

Section 78 of the Town and Country Planning
Act 1990

Hillingdon Council

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INTRODUCTION:

This appeal relates to a proposal for the erection of a one bedroom dwelling at 51 Bishops Road, Hayes UB3 2TF.

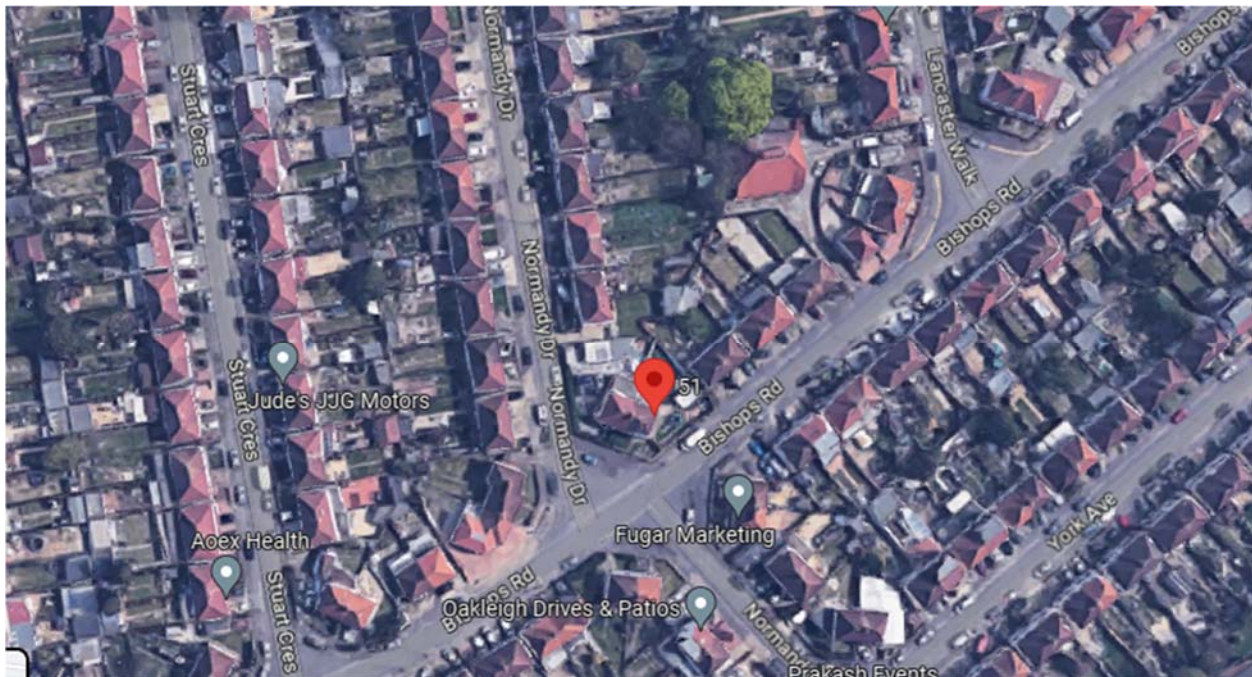
An application for planning permission was registered as valid on 17th May 2023 (LPA reference: 64416/APP/2023/1459)

This statement represents the Appellant's case for the Appeal.

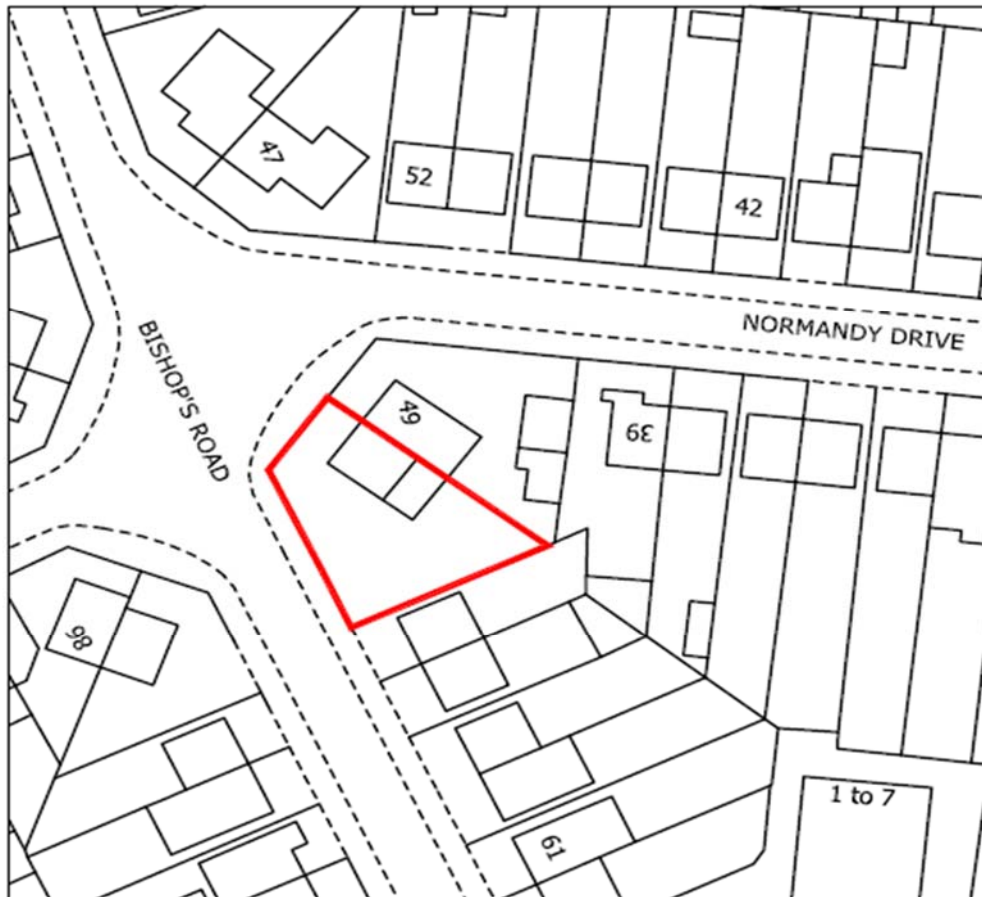
THE APPEAL SITE AND SURROUNDING AREA:

The subject site is located in Hallingdon Borough. The surrounding of application site is a well established residential area.

The application site is a semi-detached property on Bishops Road. Bishops Road consists predominantly of similar detached and semi-detached design dwellings construction. The property is not a listed building or adjacent to a listed building and is not located in a Conservation Area.



ARIEL VIEW



THE REFUSAL:

The permission has been refused for the following reason:

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).

THE APPEAL PROPOSAL:

It is intended that this statement will:

- 1) Identify the site and its surroundings, noting the residential character, the design, layout and landscape characteristics of the locality. Particular attention will be given to the general architectural and landscape features of the area. It will especially note the unique nature of the plot; a large element of which will remain if the proposal was built.
- 2) Consider the relevant national policy and guidelines in so far as they are applicable to this proposal.
- 3) Cite the relevant adopted Local Plans and test the proposal against these noting that there are no conflicts with their criteria.
- 4) Evaluate highway comments and Flood Risk Assessment.
- 5) Conclude that the proposal is not against the public interest, respects the character of the locality and is in accord with the development plan. It should therefore have the benefit of the permissive sentiments of the planning system.

NATIONAL POLICY FRAMEWORK:

A new provision of the NPP Framework is an emphasis on small sites, and the guidance notes:

Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;

The proposal is such a small site and provides an opportunity to create a good home that is responsive to local needs.

The proposal provides a good sized one bedroom house with a good garden that makes effective use of land, as required by paragraph 117, which states:

Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development.

Planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development and should establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. The design presents a well- conceived scheme meeting all current standards.

LONDON PLAN:

Policy D3 Optimising Site Capacity through design led approach
Policy D4 Delivering Good Design
Policy D5 Inclusive Design
Policy D6 Housing Quality and Standards
Policy D7 Accessible Housing
Policy D8 Public Realm
Policy D11 Safety, security, and resilience to emergency
Policy D12 Fire Safety
Policy D14 Noise
Policy H1 Increasing Housing Supply
Policy H4 Delivering Affordable Housing
Policy H8 Loss of existing housing and estate redevelopment
Policy G5 Urban Greening
Policy SI 1 Improving air quality
Policy SI 2 Minimising greenhouse gas emissions
Policy SI 4 Managing heat risk
Policy SI 5 Water infrastructure
Policy SI 7 Reducing waste and supporting the circular economy
Policy SI 12 Flood risk management
Policy SI 13 Sustainable drainage
Policy T1 Strategic approach to transport
Policy T5 Cycling
Policy T6 Car parking

Hillingdon Local Plan 2013**Part 1 Policies:**

Policy NPPF1: National Planning Policy Framework - Presumption in Favour of Sustainable Development
Policy H1: Housing Growth
Policy H2: Affordable Housing
Policy EM1: Climate Change Adaptation and Mitigation

Part 2 Policies:

DMH 1 Safeguarding Existing Housing
DMH 2 Housing Mix
DMH 4: Residential Conversions and Redevelopment
DMH 6: Garden and Backland Development
DMH 7 Provision of Affordable Housing

DMHB 11: Design of New Development
DMEI 2 Reducing Carbon Emissions
DMHB 15: Planning for Safer Place
DMHB 16 Housing Standards
DMHB 17 Residential Density

DMHB 18 Private Outdoor Amenity Space
DMT 5 Pedestrians and Cyclists
DMT 6 Vehicle Parking

Hillingdon Unitary Development Plan Saved Policies (September 2007)

Part 1 Policies:

PT1.BE1 (2012) Built Environment

Part 2 Policies:

BE13 New development must harmonise with the existing street scene.
BE15 Alterations and extensions to existing building
BE19 New development must improve or complement the character of the area.
BE20 Daylight and sunlight considerations.
BE21 Siting, bulk and proximity of new buildings/extensions.
BE23 Requires the provision of adequate amenity space.
BE24 Requires new development to ensure adequate levels of privacy to neighbours.
AM14 New development and car parking standards.

**HDAS-EXT Residential Extensions, Hillingdon Design & Access Statement,
Supplementary Planning Document, adopted December 2008**

GROUND OF APPEAL:

The Appellants grounds of appeal are that:

The proposed development to the dwellings is acceptable in terms of their size, design and siting are subordinate and sympathetic to the character, appearance and form of the host dwelling, and would not be materially harmful to the character, the detached and semi-detached properties as a whole or the street scene.

The Appellant contends that the proposal represents an appropriate form of development for the site that accords with the requirements of Local plan Document.

In light of the reasons for refusal detailed within the council's decision notice, the key issue to be addressed and for the Planning Inspectorate to consider in this appeal are as follows:

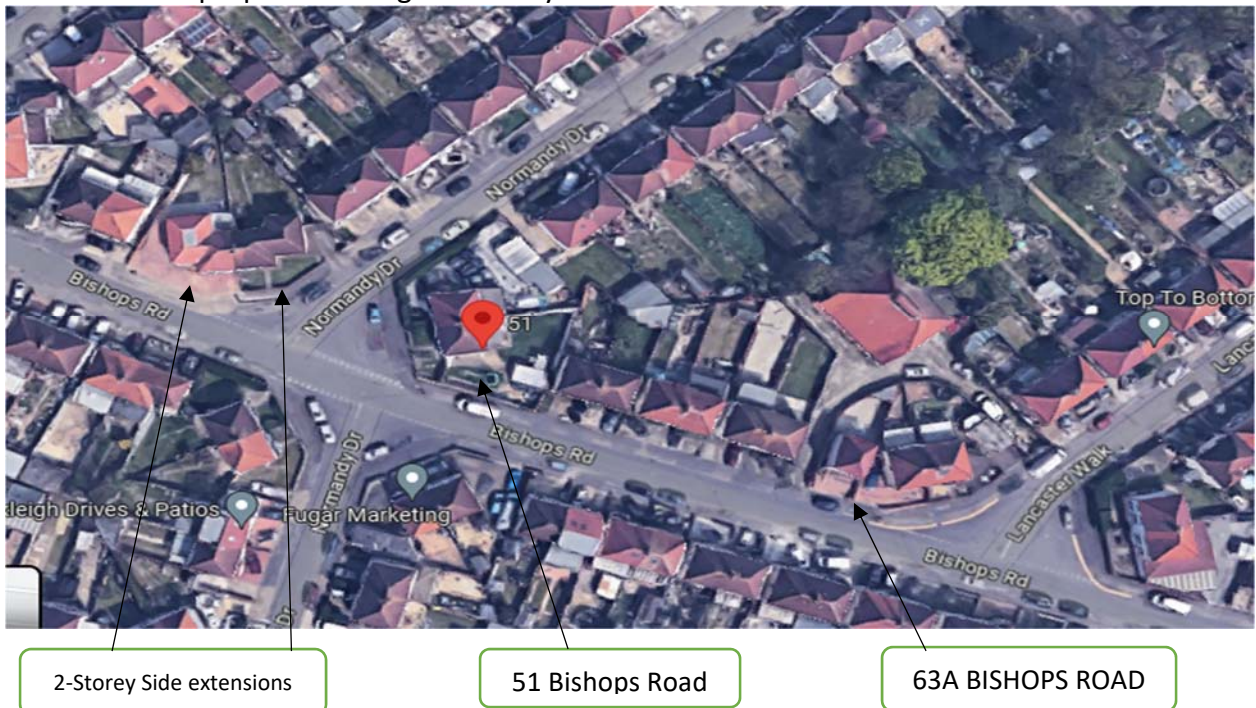
A. Whether the development by reason of its sitting and design, would result in an obtrusive and incompatible form of development which would fail to respect the character and appearance of the subject property and surroundings amenity space.

B. Whether the development by reason of its size, position, and location in close proximity to the residential property no.51, would cause to loss of privacy and amenity space and give rise to unacceptable sense of enclosure.

Having considered the appeal site, this ground of appeal provides further written evidence to support the appeal submission beginning with the background to the current proposal.

- 1) Officer has objected that siting of the new dwelling would be positioned between two pairs of semi-detached dwellings and would be prominent on the street scene creating a cramped appearance with a new dwelling between No. 51 and 53 Bishops Road.
- 2) The proposed development has been sensitively designed to ensure that it will form a sympathetic and harmonious addition to the area. The additional dwelling has been carefully designed so that it aligns with the pattern.
- 3) Further it has been mentioned that new dwelling would be sited within 2.6m of the host dwelling resulting in a cramped siting and an incongruous addition in the street scene.
- 4) Officer has also mentioned that there is a uniform building design in the street scene with semi-detached dwellings characterised by hipped roofs and bay windows, as such the proposed detached dwelling would be out of character with the property types that exist in the area.

- 5) Looking specifically at this street scene there is a detached dwelling adjacent to 63 Bishops which can be seen in the following photo. The construction of this dwelling would harmonise with the local context.
- 6) The officer has stated that due to its isolated position, width, height and bulk, the property would form an unduly prominent and unsympathetic addition to the area that fails to integrate with the more traditionally designed property types which characterise the area.
- 7) The design of the proposed detached, two-storey dwelling is exactly like 63A Bishops Road and it does match with the local context.
- 8) With respect to the appearance of the appellant site, it has been to ensure that the design would be in keep with the architectural language of the local area.
- 9) Officer has commented that the position of the dwelling would be readily visible from Normandy Drive, behind Nos. 49 and 51 Bishops Road, the proposed dwelling would obstruct the open views through the rear of the properties, which would also lead to a loss of symmetry in the street scene.
- 10) In the Ariel View below we can see that there are two storey side extensions as well obstructing the open views which also should not be a problem as in the report officer himself has stated that the 39 Normandy Drive would be sited approximately 7.7m from the rear boundary of the proposed dwelling and approximately 20m would abut from residential properties along Normandy Drive.



- 11) The appellant site's design has taken place all the essential Quality and design measures to achieve compliance to enhance the internal and external space and outlook.
- 12) The proposal is well human in scale and has considered the scale, proportion and mass and has designed accordingly. The very nature of proposal was to retain the outlining architectural features of the building demonstrating sensitivity to the surroundings.
- 13) In terms of daylight/sunlight, the development site does not feature windows on the closet neighbours and as such the nearest residential windows are some distance.
- 14) To evaluate the impact on neighbouring properties, in terms of daylight/sunlight, and to help determine the appropriate depth, the '45 Degree Rule' has been used to assess proposals. The principal of the guidance in relation to the 45 degree, from the centre of the nearest habitable room window of an adjoining property, and the footprint of the proposed extension should fit within this area.
- 15) It is our opinion that there will be no further loss of light to the No. 51 due to orientation of the two properties. The natural path of the sun throughout the day will mean that there will enough light for both host & proposed properties.
- 16) Officer's report also states that the proposal is not considered to have a detrimental impact on loss of light or overshadowing.
- 17) The proposal and structure of the buildings is providing high quality indoor and outdoor spaces and integrate well with the surrounding properties and remains open spaces and in relation to privacy respect the overshadowing and overbearing to the neighbours.
- 18) Planning specialist Team comments for the development were that this proposal for a one-bedroom dwelling does not raise any accessibility concerns.
- 19) Highway has no objection to the proposal subject to condition that existing crossover should be built according to London Borough of Hillingdon's Domestic Vehicle Footway Crossover policy June 2022 and to provide an electric charging for one car.
- 20) Proposed GIA will accord London Plan and proposed habitable rooms will be of a suitable size.
- 21) The proposed development is not considered to have a detrimental impact on neighbour amenity in terms of outlook too.
- 22) It is considered in the officer's report that the new 1 bedroom dwelling would not likely increase the noise level. The existing properties having an unremarkable in design terms

and have no architectural merit. The proposal has been designed with the above in mind that the new dwelling will provide a much needed living space to the residential.

23) The dwelling would have 1 car parking and cycle parking which is in accordance to London Plan and Hillingdon Local Plan.

24) As the new dwelling would utilise the existing vehicle crossover Highway Authority has required that an area 2.4m to the side and 2.4m back from where the driveway intersects with the back of footway is kept clear of fences, walls and shrubs etc over 0.6m high. Also, to provide an electric vehicle charging point for which it was suggested a condition can be imposed, but the applicant has never been contacted or informed to make the amendments.

25) It has been mentioned in the officer's report that the applicant has been given every opportunity to submit an application which is likely to be considered favourably, by offering further guidance by the case officer during the processing of the application to identify the amendments which would make the application acceptable and would materially change the development proposal.

26) It is to inform that council has not made any effort to offer any assistance or have made any contact for amendments to make the application acceptable.

CONCLUSION:

We consider that the appeal development would not have an unacceptably detrimental impact on local amenity or the environment. We consider that the development proposed is acceptable in design, and respects the overall scale as well as the architectural character of the street.

Overall, therefore, we do not consider that the proposal would appear a cramped or incongruous element within the locality or the varied wider street scene.

The size and design of the proposals would not dominate the adjoining properties. The proposal is itself moderate in term of scale.

Avoids adverse impacts on the sunlight/ daylight received by neighbouring properties. The impact can be assessed in terms of the use of affected rooms and living conditions, existing and alternative light sources and the scale and space around the affected dwelling.

The proposal is sustainable and appropriate in the overall context of the area.

With regards to the impact of the proposal on residential amenity, the LPA is concerned that the proposal will harm the living conditions of the host dwelling however, this is not the case.

The Appellant considers that the proposal will not have an adverse impact on the visual amenities of the area or the appearance of the existing dwelling and that the form, design and mass of the new dwelling are acceptable.

We therefore consider that the design, detailing and materials proposed would be sympathetic to the existing dwelling and would be acceptable in terms of the impact on the character and appearance of the street scene.

In light of the above, the Secretary of State's Inspector is respectfully invited to conclude likewise and to grant planning consent for the appellant's proposal.