



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr B Lal

Proposal:
Erection of 1no. new dwelling comprising of 2 bedrooms with associated parking, amenity space and new vehicular access on land adjacent to the existing dwelling and the erection of a part single storey, part double storey rear extension, followed by the demolition of existing conservatory, to existing property at 31 Manor Road.

Appeal Site:
31 Manor Road, Hayes, UB3 2DG

Our Ref:
Your Ref:

954/APP/2024/97
APP/R5510/W/24/3342306

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 planning permission for the erection of 1no. new dwelling comprising of 2 bedrooms with associated parking, amenity space and new vehicular access on land adjacent to the existing dwelling and the erection of a part single storey, part double storey rear extension, followed by the demolition of existing conservatory, to existing property at 31 Manor Road.

1.2 The LPA refused planning permission on 11-03-2024 for the following four reasons (as stated on the decision notice):

1 The development would result in a harmful loss of garden land and the principle of intensifying the residential use involving the loss of existing private garden areas is considered to be unacceptable. The development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One – Strategic Policies (2012), Policies DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D3 of the London Plan (2021) and the National Planning Policy Framework (2023).

2 The development, by reason of its siting, size, scale, bulk, design, layout, site coverage would result in a cramped, contrived and visually incongruous form of development that would fail to harmonise with the existing context of the surrounding area. The development as proposed would be detrimental to the character, appearance and visual amenity of the site and surrounding area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policy D3 of the London Plan (2021) and Paragraphs 128d), 135b) and c) of the National Planning Policy Framework (2023).

3 The development, by virtue of its failure to maintain an adequate provision of private external amenity space, would have a harmful effect on the living conditions of the occupants of the proposed new dwelling . The development is therefore contrary to Policy DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020) and Paragraph 135f) of the National Planning Policy Framework (2023).

4 The development would fail to provide safe and acceptable vehicle access, car and cycle parking, which would increase parking stress, prejudice highway safety and fail to encourage sustainable modes of transport including cycling and walking. The development is therefore contrary to Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies T2, T4, T6 and T6.1 of the London Plan (2021) and Paragraphs 115 and 116 of the National Planning Policy Framework (2023).

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 relevant planning policies are included at Appendix 2.

- 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 In the first instance it is noted that revised plans have been submitted for this appeal (Drawing numbers 104 Rev. A and 105 dated 29.03.24). These constitute new documents that were not considered with the planning application. It is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.
- 2.2 The revised plans submitted with the appeal show material changes to the scheme. Within the context of the Wheatcroft Principles, the changes are substantive and would require re-consultation with neighbours and consultees such as the Highway Authority. It is noted that the revised plans have been submitted to address reasons for refusal 3 and 4 which refer to the size of the private amenity space and highway safety. The letter of objection made by the resident during the course of the application expressed concern regarding these matters.
- 2.3 It is the Council's view that, in the interests of fairness, that this appeal must be determined on the basis of the plans submitted to the Council and upon which it based its decision, which have been subject to consultation and not the suggested amendments. To do otherwise could prejudice unacceptably the interests of interested people and/or consultees who would not have been consulted on the amended plans and who may have observations to make. If however, the inspector decides to accept these revisions, an assessment of the revised plans submitted with the appeal, is provided without prejudice at Paragraphs 2.10-2.13 of this statement.
- 2.4 The appellants statement of case considers that there is a fallback position of the extension to the existing dwelling being built. The appellants are also noted to consider that there would not be any loss of garden area. The appellants state that the Council accepted the erection of a new dwelling at No.32 Manor Road would not be contrary to Policy DMH 6 of the Local Plan Part 2.
- 2.5 Notably, the above mentioned planning permission is of a significantly different design. It can be seen from the approved elevation drawings that it has a clear and defined frontage that corresponds to the width, proportions and appearance of the adjoining dwellings. An excerpt of the approved front elevation is provided below at Figure 1.



Figure 1 Approved front elevation of Planning consent ref: 74889/APP/2023/2555 (No.32)

- 2.6 The appeal scheme however take the appearance of an extension to the host dwelling that has had a front door squeezed on. Being significantly narrower, the appeal scheme does not correspond to the character and appearance of the area in the same respectful manner as the cited planning permission at No. 32. For ease of comparison, an excerpt of the proposed front elevation for this appeal scheme is provided below at Figure 2.

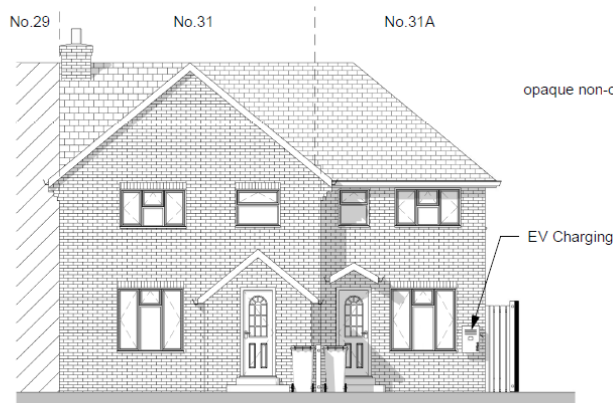


Figure 2- Proposed front elevation (current appeal scheme)

- 2.7 Therefore whilst planning permission under ref: 74889/APP/2023/2555 is noted, this application (as the appeal scheme) was approved on its merits. It is not considered to represent a precedent and it can be readily viewed that there are notable differences between that permission and the appeal scheme. The above mentioned planning permission is not considered to be comparable to the appeal scheme and therefore should be given limited weight.
- 2.8 The appellants statement of case refers to the officer's report and assessment of the approved two storey side extension. For the inspectors reference, the relevant planning permission reference number is 954/APP/2023/1922. The appellants state that on the basis of the approved extension and the approved dwelling at No.32, the appeal scheme would not be cramped, contrived or visually incongruous.
- 2.9 The approved extension to the host dwelling is not considered to represent a fallback position for the erection of a separate dwelling. Whilst the appellants have a different view regarding reason for refusal 2, the Council maintain their view that the appeal scheme which refers to the erection of a new dwelling and not a householder extension, would appear cramped, contrived and visually incongruous in the street scene and thereby fail to harmonise with the existing context of the surrounding area. This matter is covered in the case officer's report and the decision notice.

LPA Comments on the revised plans submitted with the appeal

- 2.10 The following comments on the revised plans are provided without prejudice to the Council's view that the revised plans submitted with the appeal should not be accepted:
- 2.11 The revised plans (Drawing numbers 104 Rev. A and 105 dated 29.03.24) pushes back the rear garden areas. The amended site plan shows the provision of a rear

garden area measuring 60sq.metres, which would comply with the private amenity space requirements for a 2-3bedroom dwelling of Policy DMHB 18 of the Local Plan Part 2. In this regard, reason for refusal 3 would be considered to be suitably addressed.

- 2.12 The revised plans (Drawing numbers 104 Rev. A and 105 dated 29.03.24) omit the proposed new vehicle crossover in front of the proposed new dwelling. The vehicle parking space to the rear accessed off Adison Way has been reallocated to the proposed new dwelling. A cycle store for 2bicycles serving the new dwelling is also shown on the plans. The host dwelling would retain 1no car parking space to the front and utilises the existing vehicle crossover. A side gate serving the private amenity space for the proposed new dwelling would also be provided.
- 2.13 Having discussed the amendments shown on the revised plans with the highway officer, reason for refusal 4 would be considered to be suitably addressed, subject to conditions to increase the width of the pedestrian gate to 1.2metres (for accessibility reasons) and provide the cycle store and 1no 7kw active electric vehicle charging point prior to occupation. In the event of the appeal being allowed, without prejudice conditions are listed in Appendix 3

3. Conclusion

- 3.1 For the reasons set out in the delegated report and this statement, the Inspector is therefore respectfully requested to dismiss the appeal.
- 3.2 In the event that the Inspector considers the appeal should be allowed, and without prejudice to the Council's case, a list of recommended planning conditions is included at Appendix 3.

Appendices

Appendix 1 – Planning Officer’s Delegated Report (already provided)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA’s Recommended Conditions (appended below)

Appendix 3 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the case officers’ delegated report, the Inspector is respectfully requested to dismiss the appeal. In the event that the Inspector is minded to allow the appeal, the Council ask that the following conditions be considered for inclusion on any planning permission:

1 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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted drawing numbers, Unnumbered Location Plan, 103, 104 Rev. A, 105.

REASON

To ensure the development complies with the provisions of the Local Plan: Part Two – Development Management Policies (2020) and the London Plan (2021).

3 The materials and windows 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 Local Plan: Part Two - Development Management Policies (2020).

4 Prior to first occupation of the new residential units, the fencing enclosing the private amenity spaces and any associated gates, as shown on the approved plans, shall be erected and thereafter permanently retained. Any new fencing should not be greater than 2metres in height. The pedestrian side gate shall be a width of 1.2metres.

REASON

To safeguard the privacy of adjoining residents and retain adequate facilities in accordance with Policies DMHB 11 and DMT 5 of the Local Plan: Part Two - Development Management Policies (2020).

5 Prior to first occupation of the new residential units, the provision of 1 'active' electric vehicle charging point and 2 secure and accessible cycle parking spaces for the new dwelling, shall be constructed and laid out in accordance with the approved plans and shall thereafter be retained, maintained and kept available for the occupants of the development.

REASON

To retain adequate facilities and in the interests of highway safety and promoting sustainable modes of transport in accordance with Policies DMT 1, DMT 2, DMT 5 and DMT 6 of the Local Plan: Part Two - Development Management Policies (2020).

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (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).

7 The first floor window side window serving Bedroom 3 in the host dwelling shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

8 Access to the flat roof over the extension hereby approved shall be for maintenance or emergency purposes only and the flat roof shall not be used as a roof garden, terrace, balcony, patio or similar amenity area.

REASON

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

9 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 and retain adequate private amenity spaces in accordance with Policies DMHB 11, DMHB 18, DMHD 1 and DMHD 2 of the Local Plan: Part Two - Development Management Policies (2020).

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and reenacting 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).

11 The residential units hereby approved shall not be sub-divided to form additional dwelling units or used as a house of multiple occupation without a further express permission from the Local Planning Authority.

REASON

To ensure that the boroughs housing stock of small family dwellings is protected and that the residential amenities of neighbouring occupiers are not harmed. Additionally it is considered that the premises should remain as single dwelling units until the Local Planning Authority are satisfied that any conversion would be in accordance with Policies DMH 1, DMH 4, DMHB 11 of the Hillingdon Local Plan Part 2 (2020), as well as other relevant planning guidance contained within the London Plan (2021).

12 Prior to first occupation of the new residential units, the existing outbuilding shown on the approved plans shall be removed in its entirety from the site.

REASON

To secure adequate private amenity space to serve the development in accordance with Policy DMHB 18 of the Hillingdon Local Plan Part 2 (2020).

13 The dwelling(s) shall achieve 'Secured by Design' accreditation awarded by the Hillingdon Metropolitan Police Crime Prevention Design Adviser (CPDA) on behalf of the Association of Chief Police Officers (ACPO). No dwelling shall be occupied until accreditation has been achieved.

REASON

In pursuance of the Council's duty under section 17 of the Crime and Disorder Act 1998 to consider crime and disorder implications in exercising its planning functions; to promote the well being of the area in pursuance of the Council's powers under section 2 of the Local Government Act 2000, to ensure the development provides a safe and secure environment in accordance with policy DMHB 15 of the Local Plan Part 2 (2020) and Policy D12 of the London Plan (2021).

INFORMATIVE

Under the terms of the Planning Act 2008 (as amended) and Community Infrastructure Levy Regulations 2010 (as amended), this development is liable to pay the London Borough of Hillingdon Community Infrastructure Levy (CIL) and the Mayor of London's Community Infrastructure Levy (CIL). This will be calculated in accordance with the London Borough of Hillingdon CIL Charging Schedule 2014 and the Mayor of London's CIL Charging Schedule 2012. Before commencement of works the development parties must notify the London Borough of Hillingdon of the commencement date for the construction works (by submitting a Commencement Notice) and assume liability to pay CIL (by submitting an Assumption of Liability Notice) to the Council at planning@hillingsdon.gov.uk. The Council will then issue a Demand Notice setting out the date and the amount of CIL that is payable. Failure to submit a valid Assumption of Liability Notice and Commencement Notice prior to commencement of the development may result in surcharges being imposed.

The above forms can be found on the planning portal at: www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

Pre-Commencement Conditions: These conditions are important from a CIL liability perspective as a scheme will not become CIL liable until all of the pre-commencement conditions have been discharged/complied with.