

Statement of Case

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

At

31 Manor Road, Hayes UB3 2DG

Planning Application Reference

954/APP/2024/97

Prepared on behalf of the Appellant

Mr Bhajan Lal

April 2024

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1. Introduction

1.1 The Statement of Case accompanies an appeal against the refusal of planning permission issued by the London Borough of Hillingdon ('the Council') in relation to planning application reference number 954/APP/2024/97.

1.2 The appeal site is 31 Manor Road, Hayes UB3 2DG ('the site') and the description of development, as stated on the Decision Notice, is:

"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."

1.3 The application subject to the appeal was made valid on 15th January 2024 and was refused on 11th March 2024 for the following reasons:

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),

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Policies T2, T4, T6 and T6.1 of the London Plan (2021) and Paragraphs 115 and 116 of the National Planning Policy Framework (2023).

1.4 This statement constitutes the Appellant's grounds for appeal.

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2. Site Description

- 2.1 The site forms the corner plot at the junction of Manor Road and Addison Way. The site area measures c. 410sqm.



Fig 2.1: Site Location Plan

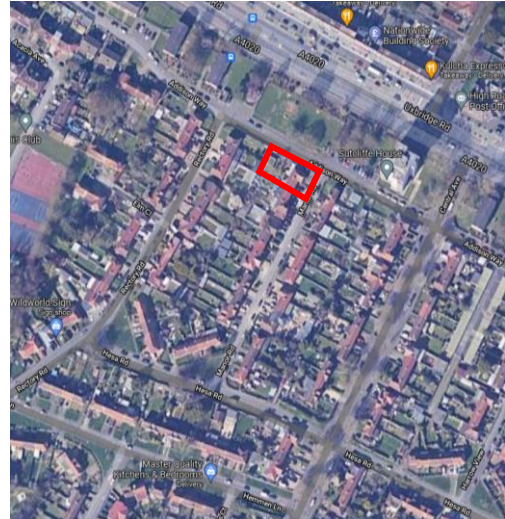


Fig 2.2: Satellite Image of Site and Surrounding Context (Source: Google Earth)

- 2.2 The site currently contains a two storey end of terrace dwelling, set back from the highway with hardstanding to the frontage and an ample rear garden. As is common in the area, the property has been extended to the side and rear.
- 2.3 The Environment Agency Flood Map confirms the site is within flood zone 1, where there is the lowest risk of flooding.
- 2.4 The site does not contain a listed building, is not in a conservation area and there are no tree preservation orders relating to trees on or adjacent to the site.
- 2.5 The site has a Public Transport Accessibility Level ('PTAL') rating of 3, on a scale of 0 (worst) to 6b (best), meaning the site has a good overall connectivity to public transport.

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3. Planning History

- 3.1 We have undertaken a desktop search of the planning history records held by the Council for the site and relevant neighbouring properties.

The Site

954/APP/2024/97 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.

Refused 11th March 2024 – subject of this appeal.

954/APP/2023/1922 Demolition of existing conservatory and erection of a part single storey, part two storey rear extension and a two storey side extension with a wraparound.

Granted 25th August 2023 (hereafter referred to as “the 2023 Permission”)

954/APP/2021/4277 Demolition of existing single storey side extension and conservatory and to facilitate part single storey and part two storey side and rear extensions.

Refused 17th January 2022.

Allowed at appeal 31st October 2022 (APP/R5510/D/22/3297406)

954/APP/2020/430 Part two storey, part single storey side / rear extension involving demolition of existing side extension and conservatory.

Refused 2nd April 2020

Dismissed at appeal 25th November 2020 (APP/R5510/D/20/3253061)

954/APP/2019/2813 Two storey side / rear extension involving demolition of existing side extension and conservatory.

Refused 17th October 2019

954/F/96/0240 Erection of a rear conservatory and retention of a rear canopy (part retrospective application)

Granted 5th July 1996

954/E/91/1415 Erection of a single storey side extension (retrospective application).

Granted 15th November 1991

32 Manor Road

- 3.2 32 Manor Road is situated directly opposite the site, forming the other corner plot to Manor Road and Addison Way. The Council has accepted the principle of a new dwelling to the side of no. 32 through the granting of planning permission and this is considered to form a material planning consideration in the consideration of the appeal.

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74889/APP/2023/2555 Erection of a new two bed end of terrace dwelling

Granted 23rd October 2023

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4. Proposed Development

Extensions and Alterations to Existing Dwelling

- 4.1 The existing conservatory and single storey side extension would be demolished to facilitate the proposed development. A part single storey, part two storey rear extension would be constructed to the existing dwelling.
- 4.2 The ground floor extension would have a depth of 3.6m. It would span the width of the original house (c. 6m), save for a 0.25m set-in from the shared boundary with no. 29 Manor Road. A flat roof is proposed with a height of 2.75m. The extension would be served by rear bi-folding doors onto the garden. The scale and siting of the ground floor extension is as per the 2023 Permission.
- 4.3 The first floor extension would be sited to the north eastern side of the original dwelling and would measure a depth and width of c. 2.6m. The extension would have a hipped roof form to match the existing house which would be set below the main ridge at 1.5m.

Subdivision of Plot

- 4.4 The existing plot would be subdivided along the two storey north eastern flank of the original house to facilitate the erection of the new dwelling. The resultant plot sizes would be:

<u>31 Manor Road</u>	Plot width: 6m Plot depth: 30m Rear garden: 72sqm Car parking: 1 space to front
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<u>31A Manor Road</u>	Plot width: 4.5m widening to 7m Plot depth: 30m Rear garden: 60sqm Car parking: 1 space to rear
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New Dwelling

- 4.5 The new dwelling would adjoin the north eastern flank of no. 31. It would have a width of 3.7m to be offset from the Addison Way boundary by 0.7m. It would be set back from the principal elevation of no. 31 by 0.6m and would have a depth of 11.4m to align with the proposed ground floor extension to no. 31. The roof would be hipped and would have a maximum height to match that of the existing ridge, although the rear 'projection' would be set down at 0.8m.
- 4.6 The new dwelling would contain a kitchen / diner, living room and WC at ground floor and two bedrooms, family bathroom and study at first floor. Windows are proposed to the front and rear and flank facing Addison Way.

Proposed Amendments

- 4.7 The Council did not engage with the Appellant during the course of the determination of the planning application. It is considered that Reason for Refusal 4 would have been overcome through amendments to the proposals if opportunity had been allowed. We therefore respectfully request that the following amendment is accepted through the appeal.
- Removal of the car parking space to the front of no. 31A
 - 1 car parking space to the front of no. 31 which serves that property
 - 1 car parking space to the rear of the site which serves no. 31A
- 4.8 Drawing no. 104 Rev. A is submitted and it is intended that this would supersede Drawing no. 104.

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5. Planning Policy Context

- 5.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

The Development Plan

- 5.2 The development plan for Hillingdon, in so far as is relevant to the proposed development, consists of:

- The London Plan (2021)
- Hillingdon Local Plan: Part 1 – Strategic Policies (2012)
- Hillingdon Local Plan: Part 2 – Development Management Policies (2020)
- Hillingdon Local Plan: Part 2 – Site Allocations and Designations (2020)

London Plan

- 5.4 The London Plan, published in March 2021, provides the spatial development strategy for London which deals with matters of strategic importance to Greater London. The following policies are cited on the Decision Notice and are therefore considered relevant to the appeal:

- Policy D3: Optimising site capacity through the design-led approach
- Policy T2: Healthy Streets
- Policy T4: Assessing and mitigating transport impacts
- Policy T6: Car parking
- Policy T6.1: Residential parking

Hillingdon Local Plan: Part 1 – Strategic Policies

- 5.4 The Local Plan: Part 1 was adopted in November 2012. It contains the planning vision and strategy for the borough and identifies how future development will be guided in terms of the right amount and choice of housing, jobs and supporting infrastructure. The following policy is cited on the Decision Notice and is therefore considered relevant to the appeal:

- Policy BE1: Built Environment

Hillingdon Local Plan: Part 2 – Development Management Policies

- 5.5 The Local Plan: Part 2 – Development Management Policies (“DMP”) was adopted in January 2020. It provides detailed policies that form the basis of the Council’s decisions on individual planning applications. The following policies are cited on the Decision Notice and are therefore considered relevant to the appeal:

- Policy DMH6: Garden and Backland Development
- Policy DMHB11: Design of New Development
- Policy DMHB12: Streets and Public Realm
- Policy DMHB14: Trees and Landscaping
- Policy DMHB18: Private Outdoor Amenity Space
- Policy DMT1: Managing Transport Impacts
- Policy DMT2: Highways Impacts
- Policy DMT5: Pedestrian and Cyclists
- Policy DMT6: Vehicle Parking

Material Considerations

- 5.7 The National Planning Policy Framework 2023 (“NPPF”) is a material consideration in planning decision and decisions must also reflect relevant international obligations and statutory

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requirements. Relevant supplementary planning guidance and site specific circumstances, including the site's planning history, are also material considerations.

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6. Grounds for Appeal

6.1 Planning law requires that planning applications, and subsequently appeals, must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 Set out below are the Appellant's grounds for appeal. This statement focuses on where there is disagreement with the Council. If any other issues are raised during the course of the appeal, the Appellant reserves the right to submit further evidence.

Reason 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)

6.2 Policy DMH6 of the Local Plan applies a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity.

6.3 Policy BE1 of the Local Plan requires all new development to improve and maintain the quality of the built environment in terms of form, scale and materials; is appropriate to the identity and context of the townscape; and would improve the quality of the public realm and respect local character.

6.4 Policy DMHB11 of the Local Plan requires all development to be designed to the highest standards and to incorporate principles of good design.

6.5 Policy D3 of the London Plan requires all development to make the best use of land by following a design-led approach that optimises the capacity of sites.

6.6 While the proposal involves the subdivision of the existing residential plot to create two independent dwellings, there would be no loss of garden space with the new dwelling to be positioned to the side of the existing and in place of existing built form.

6.7 The scale of new built form required to facilitate the development is also in keeping with the general scale of extensions previously approved to the existing dwelling through the 2023 Permission. The officer's report states that the recent planning permissions for a two storey side / rear extension to no. 31 *"does not provide any fallback position or precedent for a new dwelling in this location."* However, if this appeal fails, there is a real prospect that the approved extensions to the existing dwelling would be built. The extant planning permission is therefore a fallback position and a material consideration in the determination of the appeal in terms of the impact of the approved built form on the character and appearance of the street scene

6.8 As such, it is not considered that Policy DMH6 applies. While other policies are cited in relation to this Reason for Refusal, the reason itself relates solely to the *"harmful loss of garden land"* and the *"principle of intensifying the residential use involving the loss of existing private garden areas."* Given it is the Appellant's assertion that there would be no loss of garden area, no further comment is made in respect of the other cited policies.

6.9 It is noted that the Council accepted that the erection of a new dwelling at no. 32 Manor Road would not be contrary to Policy DMH6 for similar reasons.

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Reason 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)

6.10 No objection is raised to the part two storey, part single storey rear extension to the host dwelling. The officer's report states that the extension is *"proportionate in scale and would be finished in matching exterior materials, which is positive."*

6.11 The officer's report describes the character of the area as follows:

"Manor Road and the surrounding roads are characterised by mainly terraced dwellings which are set well back from the highway thus resulting in a sense of spaciousness to the front, side and rear. Whilst some of the properties have been extended there is nonetheless a prevailing uniformity of space between and around the properties and in the main host of the buildings follow a common building line. These positive attributes add distinctive character to the locality."

6.12 The proposed new dwelling would fully accord with the character of the area described by the Council:

- The dwelling would be a terraced property and appear as a continuation of the existing row of terraced houses at this part of Manor Road.
- It would be set back from the front building line of no. 31, thus following the common building line of the terrace, maintaining the prominence of the existing projecting gable feature, and not eroding the spaciousness to the front.
- There would be a minimum 0.6m separation to the Addison Way boundary, a 0.2m reduction compared to the 2023 Permission. However, it is highlighted that the positioning of the flank wall would generally align with that as approved at no. 32 Manor Road which adjoins a section of highway with no footpath. Consequently, the proposed development would be in keeping with the emerging pattern of development at this part of Manor Road / Addison Way and would achieve appropriate spacing to the side.

6.13 It is therefore considered that the proposed development, when considered in light of the individual site circumstances, including the emerging development character established through the 2023 Permission and new dwelling approved at no. 32 Manor Road, would not lead to harm to the character of the area by reasons of being cramped, contrived or visually incongruous.

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Reason 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)

6.14 Policy DMHB18 of the Local Plan requires all new residential development to provide good quality and useable private amenity space. Table 5.3 sets the private amenity space standard for 2 to 3-bed houses at a minimum of 60sqm.

6.15 The officer's report contends that the new dwelling would be served by 50sqm of private amenity space, thus below the minimum requirement and detrimental to living conditions of future occupiers.

6.16 The Appellant confirms that the private rear garden measures 60sqm, in accordance with Policy DMHB18. As a result of the removal of the car parking space to the frontage, the property also benefits from an additional 14sqm amenity space in the form of a front garden. Please refer to Drawing No. 105.

Reason 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)

6.17 The officer's report provides further clarity to the highways objection. It states that:

"Drawing 104 titled Proposed Site Plan shows that the existing dwelling at 31 Manor Road would have 2no. parking spaces which exceeds the maximum standard and that the proposed two bedroom dwelling would have 1no. space which would be accessed from the radius bellmouth of the junction of Manor Road with Addison Road requiring vehicles to reverse out into the junction which would be detrimental to highway safety and would raise an objection on highway safety grounds and a recommendation for refusal."

6.18 The car parking provision was based upon the Council's adopted parking standards, as per Policy DMT6 of the Local Plan. The adopted car parking standards (Appendix C of the Local Plan Part 2 – Development Management Policies document) states that all dwellings with curtilage should provide a maximum of two spaces per dwelling.

6.19 In light of the highways objection, and the application of the London Plan parking standards, the Appellant provides amended plans in support of the appeal.

6.20 Amended Drawing no. 104 Rev. A removes the car parking space originally proposed to the frontage of the proposed new dwelling (no. 31A). No. 31A would be served by the existing car parking space in the rear of the site.

6.19 The amendments remove the access to which objection was raised and reduces the car parking provision for no. 31 to one space, thus within the maximum standard as set by the London Plan.

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7. Conclusion

- 7.1 This statement has been prepared to support an appeal against the refusal by the London Borough of Hillingdon of full planning permission for the following development at 31 Manor Road, Hayes:

“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.”

- 7.2 This statement constitutes the Appellant's grounds for appeal.
- 7.3 The Appellant considers that the proposals are compliant with the Development Plan for the reasons outlined in this statement. The proposed development provides an opportunity to make more efficient use of a residential plot within a sustainable urban area. The principle of such development has recently been accepted by the Council at no. 32 Manor Road, on land directly opposite the site. The development can be delivered whilst maintaining the character and appearance of the area; protecting neighbouring residential amenities; and providing good living conditions for future occupiers as part of an overall high quality development.
- 7.4 The Appellant respectfully requests that the appeal be allowed and planning permission granted.