



Town and Country Planning Act 1990  
Section 78 Planning Appeal

# London Borough of Hillingdon Appeal Statement

**Appeal By:**  
Ms Mandy Barnes

**Proposal:**  
Division of site to construct new 2 bedroom dwelling

**Appeal Site:**  
18 Mead Road, Uxbridge

Our Ref:  
Your Ref:

68180/APP/2023/3376  
APP/R5510/W/24/3342929

# 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 application reference 68180/APP/2023/3376 for the division of site to construct new 2 bedroom dwelling. The site was refused planning permission previously under reference 68180/APP/2022/1598 and dismissed at appeal under reference APP/R5510/W/22/33091/01
- 1.2 The LPA refused planning permission on 18-01-24 for the following reason (as stated on the decision notice):
  - 1.2.1 Due its irregular plot and siting, overall design and size the proposed dwelling would form an uncharacteristic and incongruous addition to the area, which would fail to integrate with the Press Road street scene and the smaller scale of other garden development in the area. The proposal would therefore be detrimental to the visual amenity and character of the surrounding area, contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies, Policies DMH 6, DMHB 5, DMHB 11, DMHB 12 and DMHB 18 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D6 of the London Plan (2021), as well as paragraphs 71, 124 and 130 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.
- 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 Within their statement of case the appellant has raised the following summarised points:
  - Wish to note a similar neighbouring property, no.6 Press Road which is similar in scale to the proposed and on a back land development site.
  - The appellant agrees that the character and appearance does comprise two storey dwellings on Press Road.
  - The design of the new dwelling has been altered. The revised application from the previous refusal and dismissal now includes a 1.5 storey property. Bedroom accommodation would now be provided at roof level with two front dormers providing the outlook, daylight, and sunlight to the upper floor room/s. There are still no rear or side facing windows which serve habitable rooms therefore no additional overlooking would occur.

- The proposal has been altered to match the design of the property at No.6 Press Road which was also a back land development site and was constructed at a time where there was no policy to deal with back land development.

Taking into consideration these points the appellant believes the proposed scheme to be acceptable. The LPA's responses are set out below.

- 2.2 The appellants statement of case does not provide any additional justification for why the revised proposal addresses the reasons for refusal for application 68180/APP/2022/1598 which was upheld at appeal. Furthermore, no reasonable justification or evidence has been put before officers to demonstrate that there are significant public benefits which outweigh the harm to the street scene and wider Area of Special Character as set out in section "Impact on Street Scene" of the Delegated Officer Report.
- 2.3 The reference to no. 6 Press Road has been found by officers to not sufficiently create a precedent to allow the proposed design to be acceptable. Due to no.6 being the only property to be in keeping and of the same character as the proposed, it does not outweigh the harm the proposal would cause the streetscene if allowed as the majority of the dwellings in the vicinity are similar in nature and scale and therefore would not safeguard the character and appearance of the local area. This point is similar to paragraph 7 of the previous Appeal Decision REF: APP/R5510/W/22/33091/01.
- 2.4 As noted in section titled "Impact on Street Scene" of the delegated report, it is not disputed that the development at No.6 Press Road is similar, however due to this application being at the end of a road on an open plot with no established row or terrace existing, this proposal would appear incongruous. No.6 is within the centre of a road and between existing dwellings which aid in its integration to the street scene.
- 2.5 The previous appeal decision reference APP/R5510/W/22/33091/01 concluded that the proposed dwelling would lead to visual intrusion to the character and appearance of the local area. The inspector apportioned significant weight to this matter which outweighed areas that were found in favour and found the scheme cannot succeed. It has been presented with this appeal to address the matters which led to the latest refusal, however due the physical constraints of the site, the potential of intensifying its use through the construction of a residential dwelling is not possible as already discussed in the section titled "Impact on Street Scene" of the delegated report where it was found to be out of place with the existing rythm of development.
- 2.6 Whilst PINS will already be aware, it is important for the LPA to emphasise that the development which was originally consented as a bungalow, at No.6 would have

been approved in accordance with the Local Plan Part 1 (2012), Local Plan Part Two (2012) and Hillingdon Design and Accessibility SPD (New Residential Layouts). The Hillingdon Local Plan Part Two (2012) and HDAS SPD have both been superseded since the adoption of the Hillingdon Local Plan: Part Two - Development Management Policies (2020).

### **3. Other Matters**

- 3.1 The officers delegated report and copies of the relevant planning policies (referenced in the delegated report) have been sent separately.

### **4. Conclusion**

- 4.1 For the reasons set out in the Officers Delegated report and this statement the Inspector is respectfully requested to dismiss the appeal.

## **Appendices**

### **1. Recommended Conditions**

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

2381-PL-L&B  
2381-PL-101 Rev A  
2381-PL-102 Rev A  
2381-PL-103

and shall thereafter be retained/maintained 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 Prior to development commencing, the applicant shall submit a demolition and construction management plan.

The plan shall detail:

- (i) The phasing of development works
  - (ii) The hours during which development works will occur
  - (iii) A programme to demonstrate that the most valuable or potentially contaminating materials and fittings can be removed safely and intact for later re-use or processing.
  - (iv) Measures to prevent mud and dirt tracking onto footways and adjoining roads (including wheel washing facilities).
  - (v) Traffic management and access arrangements (vehicular and pedestrian) and parking provisions for contractors during the development process (including measures to reduce the numbers of construction vehicles accessing the site during peak hours).
  - (vi) Measures to reduce the impact of the development on local air quality and dust through minimising emissions throughout the demolition and construction process.
  - (vii) The storage of demolition/construction materials on site.
  - (viii) How trees and ecological habitats would be protected.
- The approved details shall be implemented and maintained throughout the duration of the demolition and construction process.

#### REASON

To safeguard trees, ecological value and the amenity of the surrounding area in accordance with Policies DMHB 11, DMHB 14, DMEI 7, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020).

4 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 Means of enclosure/boundary treatments
  - 2.c Hard Surfacing Materials
- 3. Schedule for Implementation
- 4. Other
  - 4.a Existing and proposed functional services above and below ground
  - 4.b Proposed finishing levels or contours

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, DMT 2 and DMT 6 of the Hillingdon Local Plan Part 2 (2020) and Policy G5 of the London Plan (2021).

5 The development hereby permitted, shall not be occupied until the 2no secure and accessible cycle spaces have been provided. Thereafter, these facilities shall be permanently retained on site and be kept available for the use of cyclists.

#### REASON

To ensure the provision and retention of facilities for cyclists to the development and hence the availability of sustainable forms of transport to the site in accordance with Policy DMT 6 of the Hillingdon Local Plan Part 2 (2020).

6 Prior to works commencing, details of step free access via the principal private entrance, and all the other points of entry and exit, shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building.

#### REASON

To ensure that an appropriate standard of housing stock, in accordance with the 2021 London Plan Policy D7 is achieved and maintained.

7 The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan and shall not be occupied until certification of compliance with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, has been submitted to, and approved in writing, by the Local Planning Authority. All such provisions must remain in place for the life of the building.

#### REASON

To not only allow the Building Control body to require the development to comply with the optional Building Regulations standards, but to also ensure the appropriate quantity and standard of accessible and adaptable housing is constructed and maintained in accordance with Policy D7 of the London Plan.

8 Notwithstanding the approved plans, prior to commencement of development, product details and samples of all external materials and finishes shall be submitted to and approved in writing by the Local Planning Authority. Samples shall be made available on site for inspection and details shall include manufacturer information. Works shall be carried out in accordance to approved details.

#### REASON

To conserve the character and appearance of the Area of Special Local Character in accordance with Policy HE1 (Hillingdon Local Plan Part 1, November 2012) and Policies DMHB 1, DMHB 5, DMHB 6 and DMHB 11 (Hillingdon Local Plan Part 2, January 2020).

9 Prior to installation, product details of all external windows and doors shall be submitted to and approved in writing by the Local Planning Authority. Works shall be carried out in accordance with approved details.

#### REASON

To conserve the character and appearance of the Area of Special Local Character in accordance with Policy HE1 (Hillingdon Local Plan Part 1, November 2012) and Policies DMHB 1, DMHB 5, DMHB 6 and DMHB 11 (Hillingdon Local Plan Part 2, January 2020).

10 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 facing Nos. 18 and 19 Mead Road and No. 29 Press Road.

#### REASON

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

11 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 of Special Local Character and amenity of residential occupiers in accordance with Policies DMHB 5, DMHB 11, and DMHB 12 of the Hillingdon Local Plan Part 2 (2020).

12 The dwelling hereby approved shall not be occupied until it has achieved an energy efficiency standard of a minimum of 10% CO2 improvement over Building Regulations requirement Part L 2013 (TER Baseline).

#### REASON

In the interest of energy conservation and to comply with Policy DMEI 2 of the Hillingdon Local Plan: Part 2 - Development Management Policies (2020).

#### INFORMATIVES

1 Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with:-

A. Demolition and construction works which are audible at the site boundary shall only be carried out between the hours of 08.00 and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank or Public Holidays.

B. All noise generated during such works shall be controlled in compliance with British Standard Code of Practice BS 5228:2009.

C. Dust emissions shall be controlled in compliance with the Mayor of London's Best Practice Guidance' The Control of dust and emissions from construction and demolition.

D. No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit ([www.hillingdon.gov.uk/noise](http://www.hillingdon.gov.uk/noise) Tel. 01895 250155) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

2 You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application may have to be submitted. The validity of this planning permission may be challengeable by third parties if the development results in any form of encroachment onto land outside the applicant's control for which the appropriate Notice under Article 13 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 has not been served.

3 Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

4 The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

5 In dealing with the application the Council has implemented the requirement in the National Planning Policy Framework to work with the applicant in a positive and proactive way. We have made available detailed advice in the form of our statutory policies from Local Plan Part 1, Local Plan Part 2, Supplementary Planning Documents, Planning Briefs and other informal written guidance, as well as offering a full pre-application advice service, in order to ensure that the applicant has been given every opportunity to submit an application which is likely to be considered favourably.

6 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](mailto: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](http://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.