

**Appellant Statement of Case on behalf of
Mandy Barnes
18 Mead Road, Uxbridge**

Erection of a 2-bedroom bungalow with
associated landscaping

1. Introduction

The application which is the subject of this appeal was refused by the Local Planning Authority (LPA) by decision notice dated 18-01-23. A delegated Officer report accompanied the decision notice. This statement should be read in conjunction with the documentation and plans submitted to the LPA as part of the formal application together. The statement and evidence will seek to address the areas of difference between the parties.

The application site consists of an area of hardstanding to the rear of 18 Mead Road which is largely vacant and unused but does accommodate a small domestic shed. It is thought that the previous owner used this part of the land which accommodates the 18 Mead Road dwelling to park a large commercial vehicle as there is large amount of hardstanding and an access gate which fronts Press Road and leads onto a vehicle crossover.

As alluded to above the plot is on a corner with the southern boundary fronting Mead Road and the western boundary fronting Press Road. Both Mead Road and Press Road are residential in character however they comprise of different forms of design. The northern side of Mead Road consists of semi-detached chalet bungalows with generously sized rear and front gardens. The southern side consists of two storey terraced properties. Press Road consists of properties with varying heights and designs. Most are two storeys in height with traditional pitched roofs however there is a bungalow located opposite which was constructed within the garden land formerly part of 15 Fairfield Road (63321/APP/2007/2078) and a similar property which was approved within a very similar plot at 6 Press Road.

This application was submitted in response to a previous application which was upheld at appeal by PINS. Further details on this can be found in section 2 of this statement of case.

This statement will demonstrate how the LPA has failed to properly assess the impacts and the merits of the scheme. Furthermore, this statement will demonstrate that the LPA has failed to consider the development plan policies correctly in determining the appeal scheme.

2. Planning history

68180/APP/2022/1598 was submitted on 17-05-22 and refused on 09-02-22. A delegated report is attached to this statement of case along with a decision notice which refers to 4 reasons for refusal as shown below.

Reason 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).

Reason 2:

Due to its height, bulk and close proximity to No.18 and No.19 Mead Road, the proposed dwelling would be detrimental to the amenities of those neighbours by reason of visual intrusion, sense of enclosure and loss of outlook. It is therefore considered that the proposal would be contrary to Policies DMH 6 and DMHB 11 of the Hillingdon Local Plan: Part Two - Development Management Policies.

Reason 3:

The external amenity space of the new dwelling would be severely overlooked by No.18 and No.19 Mead Road, discouraging use of the space and harming the amenities of its future occupiers. Furthermore the bedroom within the proposed dwelling would be provided with inadequate and poor levels of outlook and light. The proposal is therefore considered to be provide poor quality external and internal accommodation for its future occupiers, contrary to requirements of Policy D6 (D) of the London Plan (2021) and paragraph 130 (f) of the NPPF (2021).

Reason 4:

No legal agreement is in place to prohibit future residents of the proposed development from applying to join the Councils on street parking management scheme. In the absence of such an agreement the Councils Parking Management Scheme is likely to be overrun, leading to roadside parking, congestion and reduced highway safety. The proposal would therefore be contrary to Policy DMT 2 of the Local Plan: Part Two - Development Management Policies (January 2020) and T4 of the London Plan (2021).

Following the decision notice being issued an appeal was lodge, APP/R5510/W/22/3309101. The appeal decision which is attached to this appeal submission upheld 1 of the 4 reasons for refusal which was reason for refusal 1 and this is reflected in the case officer report for the appeal scheme.

Regarding reason for refusal 2, paragraphs 10-13 deal with matters relating to the impact to the adjoining neighbours. In summary the inspector agreed that the location, scale, bulk and massing of the building would not result in a significant impact to the adjoining neighbours therefore the reason was not upheld and stated that “the proposal would accord with Policies DMH6 and DMHB 11 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 in regard to safeguarding living conditions”.

Turning to reason for refusal 3 paragraphs 14-16 deal with these matters which relate to the living conditions of future occupants. The inspector considered the outlook, daylight and sunlight and internal living space to be acceptable and that the proposal complied with Policy D6 of the London Plan therefore the reason for refusal was not upheld.

Regarding reason for refusal 4 which related to the failure to enter into a legal agreement which would forbid future occupiers from entering into the local parking voucher scheme and permit occupants to use the designated-on street bays. The inspector considered that the sites sustainable location on the boarder of a town centre and within a PTAL 4 rated area, a legal agreement would not be required and the appeal scheme which is completely car free is acceptable and complies with Policies DMT2 of the Hillingdon Local Plan: Part Two – Development Management Policies 2020 and Policy T4 of the London Plan 2021.

The only single reason for refusal which was upheld was reason for refusal 1 which related to the impact the appeal scheme would have on the character and appearance of the area. This will be responded to in more detail within the assessment below.

3. Reasons for refusal and rebuttal

The single reason for refusal for the appeal case is like that of the first appeal and is shown below.

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).

Before explaining how this revised application responds to the single reason for refusal which was upheld it is important to reflect on the inspectors' previous comments regarding the character and appearance of the area. Of relevance is paragraph 4 where the inspector refers to a similar back land development for a residential dwelling. The site being referred to is No.6 Press Road which features a property constructed within the garden of another, is similar in scale to what is being proposed and refused as part of this current appeal application and faced out onto Press Road. It is critically important to note that the appellant did not draw the inspector's attention to this development when visiting site, the inspector noted it herself. A copy of the drawings associated to the development of this site have also been attached to this appeal application.

The appellant agrees that the character and appearance does comprise two storey dwellings on Press Road but the presence of a 1.5 storey dwelling which has been constructed in the same character of site as the appeal scheme cannot be ignored as contributing to the character and appearance of the street scene. In fact, the vast similarities between the two sites make it difficult to ignore.

At various points within the PINS decision notice the inspector agrees that the appeal scheme complied with DMH 6 which is the councils back land and garden land development policies. The inspector makes a point of stating it was the bulk scale and massing of this building which resulted in a proposal which would be out of character within the street scene. Therefore, we do not agree that the proposal would form an uncharacteristic and incongruous addition.

To address this the design of the new dwelling has been altered. The revised application now includes a 1.5 storey property but retains the number of bedrooms in line with the previous application. 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.

Our interpretation of the appeal decision is that a building in this location considered to comply with Policies DMH 6 and DMHB 11 in terms of back land / garden land nature and its impact upon the neighbours and the local highway network. We therefore do not agree that the siting of the building would be harmful as it has already been agreed by PINS. 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. The policy has

been introduced as the LPA understand the contribution, they make to improving housing stock. Whilst each case should be considered upon its own merits the development within the garden at No.6 contributes to the composition of the character and appearance of the street scene.

When assessing this application what the LPA should be doing is considering whether the proposal meets the necessary material policies and attach relevant weight to them.

In this case the proposal before the inspector would be acceptable in principle as agreed by both the LPA and PINS. The proposal would provide above minimum standard levels of living accommodation for future occupants as agreed by PINS as part of the dismissed appeal scheme but now improved even more. The appeal proposal would not result in parking overspill or congestion and access issues on the local highway network which has been agreed by PINS. The appeal proposal does not introduce any new rear facing or side facing rear windows which would cause harmful overlooking and overshadowing concerns. In terms of character and appearance, the proposed design has been improved to respond positively to the inspectors' comments for the previous application and mimic the development of the back land garden land site which forms part of the street scene as noted by the inspector previously.

Taking all things into consideration, we ask PINS to look favourably upon this development.