



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:

Mr G Sheel

Proposal:

Erection of new two storey 3-bed dwelling with basement, new garage, bin storage and associated amenity space, following demolition of existing dwelling.

Appeal Site:

5A Harrow View Road Hillingdon

Our Ref:
Your Ref:

20342/APP/2024/166
APP/R5510/W/24/3346298

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.
- 1.2 The LPA refused planning permission on 22-03-2024 for the following reasons (as stated on the decision notice):
 1. Due to its contemporary design, height, layout and site coverage, the proposed dwelling and associated development would form a cramped, uncharacteristic and visually incongruous development which would fail to harmonise with the local character and appearance of the surrounding area. The proposal is therefore 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 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D1, D3 and D6 of the London Plan (2021), as well as paragraph 135 of the NPPF (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. Appendix 1 contains a list of recommended conditions, should the inspector be minded to allow this appeal.
- 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 Having read through the appellant's statement of case the vast majority sets out compliance with parts of the development plan which are not areas of dispute. This information may well have been included in order to demonstrate the material considerations are areas of the development plan which the appeal scheme complies with and build a picture that these are benefits which weigh in favour of the proposal and against the potential harm identified by Officers. For example, the statement of case refers to "Impact on residential amenities", "Standard of accommodation, and "Transport considerations". None of these material considerations form part of the reason for refusal and are not areas of difference. In fact, the Officers report is quoted within the statement of case throughout the document as stating compliance with the development plan for these material considerations. However, it should be made clear that there would be an expectation that the scheme should comply with these development plan policies and the mere fact that the scheme does comply with the said policies does not mean that they are benefits which weigh in favour of the proposal. With this in mind, the LPA's statement of case will focus on the areas of dispute rather than regurgitating the area of compliance and agreement.
- 2.2 The appellants SOC refers to the principle of development. It is important to be clear on the issues which are raised by the LPA with regards to the principle as they are not portrayed as being clear within the appellants SOC. No objection has been raised to the demolition of the existing building and its replacement with a new dwelling,

even at a larger scale than the property to be demolished. In fact, this principle of this has been established through the extant consent for this type of development (20342/APP/2023/2898). However, Policy DMH 6 sets a clear criterion for where backland development will be accepted in principle. In this case the proposed design in terms of its bulk, scale, mass, form and external works including the landscaping were not considered to be more intimate in scale thus fail to integrate with the existing pattern of development, prevailing character of properties within the area. As such the development fails to meet part iii) of Policy DMH 6 which is the substance to the in-principal issue.

- 2.3 A point is made regarding the provision of homes within the SOC and this is portrayed as a benefit. To be clear, the development site accommodates as an existing residential dwelling. The proposal seeks consent to demolish this dwelling and build a new dwelling. As such there is no net increase proposed, the development is simply replacing what is already in existence therefore the provision of new housing is not a benefit here.
- 2.4 Furthermore, the Council is able to demonstrate a 5-year land supply of housing. As such it does not need to consider sites which are more sensitive such as backland and gardenland development sites in order to contribute towards meeting its housing needs.
- 2.5 The appellants SOC confirms that the development application which is subject to this appeal seeks consent for the demolition of the existing dwelling and construction of a “Contemporary” designed new dwelling.
- 2.6 When considering the development application all matters of the design have been taken into account. This includes, scale, bulk, mass, form and elevational treatments and also the external works to provide a setting to the building. It is clear from reading section 7.2 of the delegated report that it is not only the contemporary form of the new dwelling which resulted in refusal, but also the increase in the scale bulk and mass of the built form itself.
- 2.7 Whilst the appellant contends that a contemporary, the LPA does not agree that the development conforms with the relevant development plan policies set out within the report. Whilst there is a degree of subjectivity when assessing the design, the design led policies quoted in the appellants SOC require developments to integrate within their setting, contribute and enhance the character and appearance of the area.
- 2.8 The Design and Access Statement submitted in support of the application provides very little information or demonstration that this contemporary building conforms with the development plan policies including those set out in the appellants SOC. In fact, the information which is provided relates mainly to the materials to be used to construct the development and the efficiencies of these materials. Given the lack of detail in this document and the submission as a whole the LPA cannot agree that a design led approach has been taken to developing the appeal scheme which is emphasised within the policies referred to in the appellants SOC.
- 2.9 Where a development proposal seeks to depart from the prevailing character of an area and more so in back land sites where development should be more intimate in scale, there should be a much more detailed submission for a contemporary

designed scheme. For example, it would be expected that there be detailed information regarding where the inspiration for the design had been derived from, how it considers the character of the local area within its design inspiration, in order to “fit in with the overall form and layout of their surroundings” as emphasised and quoted from the NPPF para 139 in point 5.31 of the SOC.

- 2.10 The appellant leans on the standard of sustainable development that will be provided by the appeal scheme. However, this standard of sustainability could be delivered to the same level whilst adopting a design which compliments the character and appearance of the area.
- 2.11 Furthermore, it is plain to see that any proposal brought forward for a replacement dwelling would result in a significant increase in sustainability given the state of the existing property on site at present. A new dwelling would need to be designed to meet the relevant building regulations standards which include water and energy efficiencies. As such the sustainability points raised which are again portrayed as a benefit are not agreed and do not weigh in favour of the development as they should be a minimum requirement for a development proposal.
- 2.12 Turning to the layout, the points are raised within section 7.2 of the case officer report remain unchanged. Setting aside the contemporary form of the dwelling, the layout is at odds with the established development pattern in this area. The location of the building tight within the northern corner does lend itself the general pattern of development whereby properties are located towards the front of their plots with reasonably large rear gardens to the rear. The random plots of soft landscaping lack thoughtful design and don't provide the type of setting a contemporary building needs to be able to integrate with its context.
- 2.13 The height, bulk, scale and mass are discussed within section 7.2 of the delegated report, the appellant provides no real justification as to why this should be deemed acceptable and in fact the images within the appellants statement of case illustrate the extent of harm which will be caused.

3. Other Matters

- 3.1 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.
- 4.2 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 1.

Appendices

Appendix 1 – The LPA's Recommended Conditions

Appendix 2 - Officers Delegated Report