



WRITTEN REPRESENTATIONS: RESPONSE TO LPA STATEMENT

BY

Mr G Sheel

FOLLOWING THE PLANNING REFUSAL BY:

The London Borough of Hillingdon Council

APPEAL REF:

APP/R5510/W/24/3346298

FOR:

Erection of new two storey 3 bed dwelling with basement, new garage, bin storage and associated amenity space, following demolition of existing dwelling (Resubmission following approval of planning application 20342/APP/2023/2898)

AT:

5A Harrow View, Uxbridge, UB10 0QG

August 2024

1.0 BACKGROUND

- 1.1 This statement is prepared on behalf of Mr G Sheel in response to the statement from the Local Planning Authority following the submission of appeal ref APP/R5510/W/24/3346298.

2.0 LPA STATEMENT

- 2.1 The LPA rely on the content of their Planning Officer's delegated report and as such their comments focus on matters raised in the Appellant's Statement of Case (SoC). However, in section 2.1 (page 2) of the council's comments on the SoC, they do acknowledge that the scheme complies with the policies and still does not weigh in favour of the proposal, thus seeming confused and devaluing the policies.
- To quote *"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."*
- 2.2 The council imply that they do not agree that the development integrates within the setting or contributes and enhances the character and appearance of the area.
- Council's point regarding development failing policy DMH6 and part iii) in particular, is contradictory to their position in the officer's report (section 7.6 page 15).
 - To quote
 - *"The replacement dwelling would be of more limited scale than frontage properties."*
 - *"The proposal would cause no harm to neighbouring amenities or the highways network."*
- 2.3 However, in order to integrate, a proposal does not have to replicate its surroundings as diversity can contribute to and enhance the character and appearance of an area. To reiterate points within the SoC the NPPF states at paragraph 139 b) that significant weight should be given to *"outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings"*.
- 2.4 The appeal proposal which displays an innovative design would fit in with the overall form and layout of the locale which comprises of two storey dwellings which are set in modest plots. Many of the surrounding bungalows have been extended with large roof dormers giving the appearance of a flat roof property.
- 2.5 LPA's view is unfounded and subjective. Appellant has walked on the neighbouring road and counted the number of houses that have double dormer forming flat roof design as of 25th August 2024.

- 33% of the properties on Pole Hill Road (16 of 54 properties) have flat roof double dormers.
 - 33% of the properties on Mellow Lane West (4 of 13 properties) have flat roof double dormers.
 - Another example of a different roof (mansard) exists on 26 & 28 Mellow Lane West (Star Road and Mellow Lane West junction)
- 2.6 Whilst the original approved application also proposed a similar bungalow with flat roof dormers this type of property has inherent issues with design, poor insulation, lifespan and leaks.
- 2.7 The flat roof would be constructed using pre-cast hollow core concrete slabs which uses the same material as the rest of the construction (ICF + concrete). The build materials are guaranteed for 60 years (with lifespan of over 100 years). Using reinforced waterproof concrete for roofing provides a sound, waterproof, thermally efficient solid structure that can be used for amenities like terrace, roof garden, solar panels/water heater etc.
- 2.8 A gable roof would have to be constructed using lumbar trusses which have a shorter lifespan, structurally weak (compared to concrete pour) and have reduced usable GIA due to gables/eaves.
- 2.9 As a result, the current proposal took into account the variety of dwelling designs locally and proposed a residential development that would sit well in the local vernacular, whilst being a much-improved design compared with other neighbouring dwellings described above.
- 2.10 Another example of council stating the opposite from what was stated in the officer's report – To quote LPA from officer's report :
- *"3-bedroom properties are required to provide 60sqm of amenity space. The proposed dwelling would have approximately 116sqm of amenity space (made up of its garden and roof terrace). Overall, it is therefore considered that the proposed development would have adequate external private amenity space."*
- 2.11 The council argue that they cannot agree a design led approach has been taken, although the appellant considers that the planning history of the site and information submitted adequately details elements of the design led approach to enable a full assessment to be made.
- 2.12 The following details provides further clarification on volume comparisons.

	GF	FF	Total
Approved	623.71	218.18	841.89
Proposed	505.54	314.67	820.21

Difference in m3	118.17	-96.49	21.68
Difference in %	18.95%	-44.22%	2.58%

- 2.13 Planning permission had previously been gained for a basement and extensions to the original property, however, on establishing that the pre-existing building was of non-traditional construction it was considered that a rebuild was necessary.
- 2.14 The council agree at paragraph 2.7 of their statement that there has been a degree of subjectivity when assessing the design, we would argue that the council's assessment is purely based on subjective opinion rather than being policy led. As required by policy and indicated above the development would integrate within its setting, contributing and enhancing the character and appearance of the area.
- 2.15 Contrary to the council's opinion the appellant considers that detailed information has been provided to demonstrate why they seek to remove the existing dwelling and replace it with a high quality, sustainable property.
- 2.16 The officer's report acknowledges that the proposed scheme has superior features: To quote (Page 13, section 7.5):
- "Each habitable room would have access to light and outlook."
 - "Overall, it is considered that the new dwellings would provide a high standard of amenity and living accommodation for their future occupants."
 - Section 3.3 of the officer's report (page 5), council accepts the energy efficiency and sustainable design methodologies and technologies. To quote "- Energy efficient and sustainable design methodologies and technologies have been added to the scheme"
- 2.17 Every element of design rationale was documented in Design and Access statement page 2 (table) and stated why such proposal has been made and the benefits of the proposed design choice. The LPA's comments that sufficient design rationale was not provided regarding the proposal is unwarranted.
- 2.18 The appellant accepts that any new dwelling would need to be designed to meet the relevant building regulation standards, however, the council are failing to acknowledge

the build quality proposed in this instance which should add notable weight in favour of the development. LPA's argument over both design requiring build regulation compliance is erroneous. Building regulations are "minimum standards" and do not cover living aspects like indoor air quality, material choice, material longevity etc. Two designs that are build regulation compliant can perform very different in terms of build quality, energy efficiency, material longevity, amenities, and the indoor comfort of its occupants. The Design and Access statement of the proposal compared how the proposed design excelled over the approved scheme. However, the LPA has failed to acknowledge the "qualitative enhancement in the proposed scheme" as that would have weighed in the favour of proposed scheme being compliant to NPPF paragraph 139 b

2.19 Addressing LPA's comment on "design inspiration" :

- Design access statement states why the proposed design fits the plot and creates better amenities at all levels without having an impact on neighbour's amenities.

2.20 If LPA was aware of the surrounding properties, they would agree that

- 33% of the properties on Pole Hill Road (16 of 54 properties) have flat roof double dormers.
- 33% of the properties on Mellow Lane West (4 of 13 properties) have flat roof double dormers.

2.21 So, the roof design is very much in line with the trend on the neighbouring street, The proposal doesn't add a false fascia (or protruding gable eaves) as such addition makes no improvement to the overall view to the house.

2.22 As indicated at paragraph 2.3 above complementing the character and appearance of the area necessarily doesn't mean adopting the same design and materials, rather adopting newer construction methods and technologies. London city in particular is a great example of contemporary buildings being built next to Victorian buildings etc.)

2.23 Regarding layout, the development could not be described as '*building tight within the northern corner*' as suggested by the council. Moreover, the siting of the new dwelling has been purposefully chosen to make efficient use of available space and to ensure there are areas of soft landscaping around the property, which have been thoughtfully designed. Nevertheless, the appellant would willingly accept a condition regarding a future landscaping scheme if necessary. The Appellant requests the inspector to see diagram on page 5 of the design and access statement showing outlines of approved and proposed designs. It also shows outline of house 7 which is the flipped version of proposed design for 5A (scattered according to the council).

- 2.24 With regard to the height, bulk, scale and mass, the appellant explained in the SoC that the proposed contemporary build reduced the footprint and GIA compared to the previously approved scheme. Furthermore, the modest scale and height of the property enables it to appear 'intimate in scale' as required by policy DMH6. Also addressed above.
- 2.25 The council have not put forward any compelling arguments to demonstrate that their original decision was well-founded. It is evident that the council's objections are based on the subjective opinion of the case officer as they have not put forward any indication which demonstrates why they consider the development does not comply with national, regional or local planning policies.

Planning conditions

- 2.26 Should the Inspector be minded to approve the development the appellant would accept any conditions which are deemed necessary and relevant to this case.

3.0 CONCLUSION

- 3.1 In summary, the appellant states that the appeal proposal conforms with the overall aims of the NPPF, policies D1, D3 and D6 of the London Plan 2021, policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), policies DMH 6, DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).