



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mr G Sheel

FOLLOWING THE REFUSAL OF PLANNING PERMISSON BY:

London Borough of Hillingdon Council

REF:

20342/APP/2024/166

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

June 2024

1.0 INTRODUCTION

- 1.1 This appeal relates to the refusal of planning permission for the erection of a new two storey 3 bed dwelling with basement, new garage, bin storage and associated amenity space, following the demolition of existing dwelling at no 5A Harrow View in Uxbridge.
- 1.2 The planning application was dated 22nd January 2024 and was subsequently refused on 22nd March 2024 by The London Borough of Hillingdon Council, with the decision notice stating the following reason for refusal, as noted below:
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 By way of background to the site, the appeal application was a resubmission following the approval of planning application 20342/APP/2023/2898 for '*Part retrospective planning application for the erection of new two storey 4 bed dwelling with basement; new garage; cycle and bin storage and associated amenity space following demolition of existing dwelling*' on 29th November 2023 (Details attached in **Appendix A**).
- 1.4 During the consultation process of the appeal application 12 neighbours were directly notified and 3 objections were submitted to the council. Concerns raised within the objections will be addressed within the appellant's case where appropriate.
- 1.5 It is notable that during the consultation process the internal consultees confirmed that the application would be acceptable subject to conditions.
- 1.6 The following statement will, therefore, seek to demonstrate why the council's decision is considered unsound on this occasion and why the scheme conforms to the aims of national, regional and local planning policy.

2.0 APPEAL PROPERTY AND SITE LOCATION



No. 5A Harrow View

- 2.1 The appeal site comprises a detached bungalow with detached outbuildings that is accessed via a private road between nos. 5 and 7 Harrow View.



Location Plan

- 2.2 The appeal site is positioned to the northern side of Harrow View within a predominantly residential setting. The site is not within a conservation area or the curtilage of a listed building. Land to the east of the site is Green Belt.

3.0 PROPOSAL

- 3.1 The proposed scheme sought planning permission for the erection of a new two storey 3 bed dwelling with basement, new garage, bin storage and associated amenity space, following demolition of the existing dwelling at no 5A Harrow View.
- 3.2 The existing dwelling would be demolished, and the new property repositioned within the plot to make efficient use of the land available.
- 3.3 The proposed flat roof, contemporary dwelling would measure 11.5m wide x 16.8m wide x 6.5m high with an additional 3m deep basement.
- 3.4 A detached garage would measure 5m wide x 6.5m deep x 2.7m high and would accommodate one car parking space with active electric charging point and a cycle rack.
- 3.5 The development would create a 3-bedroom dwelling over three floors with a gross internal area of 374.74sqm comprising:
- | | |
|---------------|---|
| Basement: | Kitchen/dining room with access to lower patio level
Utility
Storage
Gym
Boiler room |
| Ground floor: | Entrance lobby with storage
Living room with kitchenette
Toilet
Master bedroom with walk-in wardrobe and ensuite shower room |
| First floor: | 2x double bedrooms with ensuite shower rooms
Storage
Roof terrace |
- 3.6 The dwelling would be set in from the side boundaries and a modest rear garden, roof terrace with garden bed/planters for a vegetable patch, and lower ground patio would be provided.
- 3.7 The dwelling would be constructed using Insulated Concrete (ICF) blocks and would be externally finished with light grey metal cladding, charcoal coloured timber cladding and charcoal render with grey roofing member and timber and grey aluminium windows and doors.
- 3.8 In addition solar panels would be added to the roof of the proposed dwelling and garage, and permeable paving would be utilised.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reason for refusal refers 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).

National Planning Policy Framework (NPPF)

- 4.2 The National Planning Policy Framework is referred to within the reasons for refusal. The NPPF set out the Government's planning policies for England and how these are expected to be applied. The following sections and paragraphs make reference to the parts of the NPPF which are directly relevant to this appeal.

Presumption in Favour of Sustainable Development

- 4.3 Paragraph 11 of the NPPF sets out that plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Decision-making

- 4.4 Paragraph 38 states that local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Delivering a sufficient supply of homes

- 4.5 Section 5 explains that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing

requirements are addressed and that land with permission is developed without unnecessary delay.

Achieving well-designed places

- 4.6 Section 12 of the NPPF refers to design, with paragraph 131 describing how the Government attaches great importance to the design of the built environment, stating that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 4.7 Paragraph 135 states that planning policies and decisions should ensure that developments:
- a) *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
 - d) *establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
 - e) *optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
 - f) *create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

The London Plan 2021

- 4.8 The council embraces the sentiments of the London Plan which sets a clear context for considering development needs at local level taking full account of the borough's character. Policies D1, D3 and D6 are mentioned in the given reasons for refusal.

Policy D1: London's form, character and capacity for growth

- 4.9 Understanding the existing character and context of individual areas is essential in determining how different places may best develop in the future.

Policy D3: Optimising site capacity through the design-led approach

- 4.10 Development should enhance local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale,

appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

Policy D6: Housing quality and standards

- 4.11 Policy D6 provides criteria and guidance to enable housing development to attain a high standard of quality and design which are fit for purpose and that will meet the needs of Londoners without differentiating between tenures.

Hillingdon Local Plan: Part One – Strategic Policies (November 2012)

- 4.12 The Hillingdon Local Plan is the key strategic planning document for Hillingdon and has an ambition for Hillingdon to be an attractive and sustainable borough. Policy BE1 was referred to within the given reason for refusal.

Policy BE1: Built Environment

- 4.13 Policy BE1 states that the council will require all new development to improve and maintain the quality of the built environment in order to create successful and sustainable neighbourhoods, where people enjoy living and working and that serve the long-term needs of all residents.

Hillingdon Local Plan: Part Two – Development Management Policies (January 2020)

- 4.14 The Local Plan Part 2 Development Management Policies and Site Allocations and Designations were adopted as part of the borough's development plan at Full Council on 16 January 2020. Policies DMH 6, DMHB 11 and DMHB 12 are referred to within the given reason for refusal.

Policy DMH 6: Garden and Backland Development

- 4.15 There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:
- i) neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;
 - ii) vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;
 - iii) development on backland sites must be more intimate in mass and scale and lower than frontage properties; and
 - iv) features such as trees, shrubs and wildlife habitat must be retained or re-provided.

Policy DMHB 11: Design of New Development

- 4.16 All development, including extensions, alterations and new buildings will be required to be designed to the highest standards and, incorporate principles of good design including:

- i) harmonising with the local context by taking into account the surrounding:
 - scale of development, considering the height, mass and bulk of adjacent structures;
 - building plot sizes and widths, plot coverage and established street patterns;
 - building lines and setbacks, rooflines, streetscape rhythm, for example, gaps between structures and other streetscape elements, such as degree of enclosure;
 - architectural composition and quality of detailing;
 - local topography, views both from and to the site; and
 - impact on neighbouring open spaces and their environment.
- ii) ensuring the use of high quality building materials and finishes;
- iii) ensuring that the internal design and layout of development maximises sustainability and is adaptable to different activities;
- iv) protecting features of positive value within and adjacent to the site, including the safeguarding of heritage assets, designated and un-designated, and their settings; and
- v) landscaping and tree planting to protect and enhance amenity, biodiversity and green infrastructure.

Policy DMHB 12: Streets and public realm

4.17 Development should be well integrated with the surrounding area and accessible. It should:

- i) improve legibility and promote routes and wayfinding between the development and local amenities;
- ii) ensure public realm design takes account of the established townscape character and quality of the surrounding area;
- iii) include landscaping treatment that is suitable for the location, serves a purpose, contributes to local green infrastructure, the appearance of the area and ease of movement through the space;
- iv) provide safe and direct pedestrian and cycle movement through the space;
- v) incorporate appropriate and robust hard landscaping, using good quality materials, undertaken to a high standard;
- vi) where appropriate, include the installation of public art; and
- vii) deliver proposals which incorporate the principles of inclusive design. Proposals for gated developments will be resisted.

5.0 GROUNDS OF APPEAL

5.1 The appellant's case will address the concerns raised within the reason for refusal, notably:

- a. Whether the contemporary design, height, layout and site coverage, the proposed dwelling and associated development would form a cramped, uncharacteristic and visually incongruous development; and,
- b. Whether the proposal would fail to harmonise with the local character and appearance of the surrounding area; and,
- c. Whether the proposal is therefore detrimental to the visual amenity and character of the surrounding area.

5.2 The following planning considerations are deemed relevant in the determination of this appeal:

- Principle of development
- Design, character and impact on the street scene
- Impact on residential amenities
- Standard of accommodation
- Accessibility
- Transport considerations

Principle of development

5.3 The site comprises an existing dwelling which would be demolished and replaced with the appeal proposal.

5.4 The council state that policy DMH6 (Garden and Backland Development) is relevant due to the site's position. Policy DMH6 sets out:

There is a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity. In exceptional cases a limited scale of backland development may be acceptable, subject to the following criteria:

- i) *neighbouring residential amenity and privacy of existing homes and gardens must be maintained and unacceptable light spillage avoided;*

- ii) *vehicular access or car parking should not have an adverse impact on neighbours in terms of noise or light. Access roads between dwellings and unnecessarily long access roads will not normally be acceptable;*
- iii) *development on backland sites must be more intimate in mass and scale and lower than frontage properties; and*
- iv) *features such as trees, shrubs and wildlife habitat must be retained or re-provided.*

- 5.5 Whilst the appellant acknowledges the aims of policy DMH6 as the site relates to an existing dwelling, he considers that the principle of developing that particular plot of land has already been established. In fact, according to old online maps the appeal property existed on the site before Harrow View was created and the other detached, two storey dwellings which form the street scene were constructed.
- 5.6 Nevertheless, the proposed development would appear more intimate in mass and scale and lower than frontage properties which are approximately 7.4m to 7.7m tall compared to the appeal proposal which is just 6.5m high.
- 5.7 To recap, the appellant initially gained planning consent under application 20342/APP/2023/2898 for 'Part retrospective planning application for the erection of new two storey 4 bed dwelling with basement; new garage; cycle and bin storage and associated amenity space following demolition of existing dwelling' on 29th November 2023.



Approved scheme: 20342/APP/2023/2898

- 5.8 The approved scheme proposed to add a basement, construct a single storey side extension, increase the ridge height and add 2x dormers to a side roof slope of the

existing property. Overall, the development increased the footprint of the original property to 197.7sqm.

- 5.9 However, the existing dwelling has a timber frame with imitation stone cladding which due to its limited insulation properties has an energy efficiency rating of F (where A indicates very energy efficient, and G indicates not energy efficient). It only became apparent during the implementation of the approved scheme that the building was not structurally capable of accommodating the works and, as such, demolition and redevelopment was the only feasible option to improve the quality and energy efficiency of the property and provide a suitable sustainable home.
- 5.10 The decision to replace the existing sub-standard dwelling with a high quality, contemporary property should be supported as it would achieve the aims of Section 11 (Making effective use of land) of the NPPF which states that planning policies and decisions should ***“promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”***
- 5.11 The proposal would not introduce a new backland dwelling and would not result in the loss of housing or the loss of garden space. The scheme proposes to demolish the existing bungalow of substandard construction and its detached garage, and replace it with a high quality, contemporary and sustainable eco-friendly dwelling. Thus, making a positive contribution to housing within the borough.
- 5.12 Notwithstanding the above information, the appellant accepts that any replacement dwelling should seek to enhance the character of site and locale. Therefore, the appellant states that the principle of redevelopment is acceptable although is subject to other material considerations as set out below.

Design, character and impact on the street scene

- 5.13 Paragraph 131 of the NPPF states that *“Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”*
- 5.14 Paragraph 135 sets out that planning policies and decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 5.15 London Plan policies D1 (London's form, character and capacity for growth) and D3 (Optimising site capacity through the design-led approach) state that development should enhance locale context by delivering buildings and spaces that positively respond to local distinctiveness through their layout, orientation, scale, appearance and shape.
- 5.16 Local Plan policy DMHB 11 (Design of new development) seeks to ensure that development harmonises with local context taking into account the surrounding scale of development, building lines, height, design and materials of the area.
- 5.17 Policy DMHB 12 (Streets and public realm) sets out that development should be well integrated with the surrounding area and accessible.
- 5.18 The council refused the development citing *"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"*.
- 5.19 As a starting point, it appears evident that the council are conflicting with the aims of the NPPF which sets out at paragraph 135 c) that planning policies and decisions should not prevent or discourage innovation and change.
- 5.20 In this case, the proposed contemporary development would bring about a positive change which would not result in the harm set out by the council. The proposed dwelling has a footprint of 178.7sqm excluding the below ground level patio and lightwells. In comparison approved scheme 20342/APP/2023/2898 has a footprint of

197.7sqm. Additionally, the GIA of the proposed development is 374.74sqm whereas the approved scheme proposed a floor area of 407.35sqm.

- 5.21 The proposed dwelling would be the same height and width as approved and although slightly deeper than that previously approved it would now have a stepped design to follow the contours of the site. The proposed dwelling, unlike the approved scheme, would be set in from the side boundaries to retain a suitable gap around the sides to provide a pathway within a minimum width of 1.1m. (Attached in **Appendix B** is a copy of the proposed block plan with additional measurements regarding set-ins from the boundaries to assist with the decision-making process). Taking the GIA, height and width of the building, as well as the footprint and positioning into account the appellant asserts that the council's concerns regarding site coverage, height and layout are entirely unjustified (Please see 3D renders attached in **Appendix C**).
- 5.22 The appellant acknowledges that the proposed dwelling has been repositioned within the site introducing a larger setback from the front, however, this change is considered to have a positive impact opening up the area to the front of the dwelling to create a more spacious appearance. The position of the proposed property combined with the gaps around the dwelling and the adequately sized rear garden could not reasonably be considered to create a cramped form of development. Furthermore, the orientation has been set to bring maximum daylight thus reducing the need for light and heat.



**Outline of approved building and proposed dwelling
(Design and Access Statement – Dale Venn Architects)**



3D Render of the appeal site and nos. 5 and 7 Harrow View

- 5.23 In terms of design, the appellant acknowledges that this differs from the existing building as well as that design approved under 20342/APP/2023/2898 although states that the council are failing to take into account the character and appearance of the host building and the wider pattern of development.
- 5.24 The appeal site is in a discreet location to the north and rear of properties fronting Harrow View and to the east of properties on Pole Hill Road. The site is accessed from Harrow View between nos. 5 and 7 via a long private driveway. The site currently comprises a detached dual-pitched, stone clad bungalow which does not form a prominent presence or attractive feature within the street scene and differs from the two storey detached dwellings which occupy Harrow View.
- 5.25 Pole Hill Road comprises predominantly of bungalows with many having been extended since their original construction to include side dormers and extensions. As a consequence, the original unity and rhythm of houses in the locale has been reduced.



Flat roof dormers to properties on Pole Hill Road



Access to the appeal site between nos. 5 and 7 Harrow View



Entrance to Harrow View from Pole Hill Road

- 5.26 The council refused the scheme stating that due to its contemporary design the development would result in an 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.
- 5.27 The proposed contemporary dwelling would not exceed the height of the approved dwelling on the site and as a consequence its contribution to the street scene would be minimal. Whilst limited views of the property would be available between nos. 5 and 7 Harrow Road due to its setback from the street it could not reasonably be considered to appear visually incongruous or intrusive within the street scene. Furthermore, Harrow View is a cul-de-sac and the proposed dwellings would be positioned at the end of the road, as such, its impacts would be relatively localised.



Resultant view from Harrow View

- 5.28 The appellant accepts that the individual design of the proposed property differs from its neighbours, however, it is not considered that the design of the scheme would undermine or unduly impact the general pattern of development with the immediate area as the site has always been independent from the street.
- 5.29 The scale and form of the property would not be invasive in the streetscene and the choice of external materials which includes render, timber and metal cladding would complement those used in neighbouring buildings upon Harrow View and Pole Hill Road. Furthermore, the two storey design would not be out of character and overall the development would result in a positive improvement of the site enhancing the quality and housing provision within the borough.
- 5.30 There are no specific policies or guidance which set out that individually designed, high quality dwellings should be refused. Moreover, it is clear that modern interpretations of existing properties can add further variety and interest to an area. In this instance the development could be considered as a modern interpretation of development within the area which includes bungalows with large side facing dormer additions that create a flat roof appearance.
- 5.31 The NPPF states at paragraph 139 (Our emphasis):

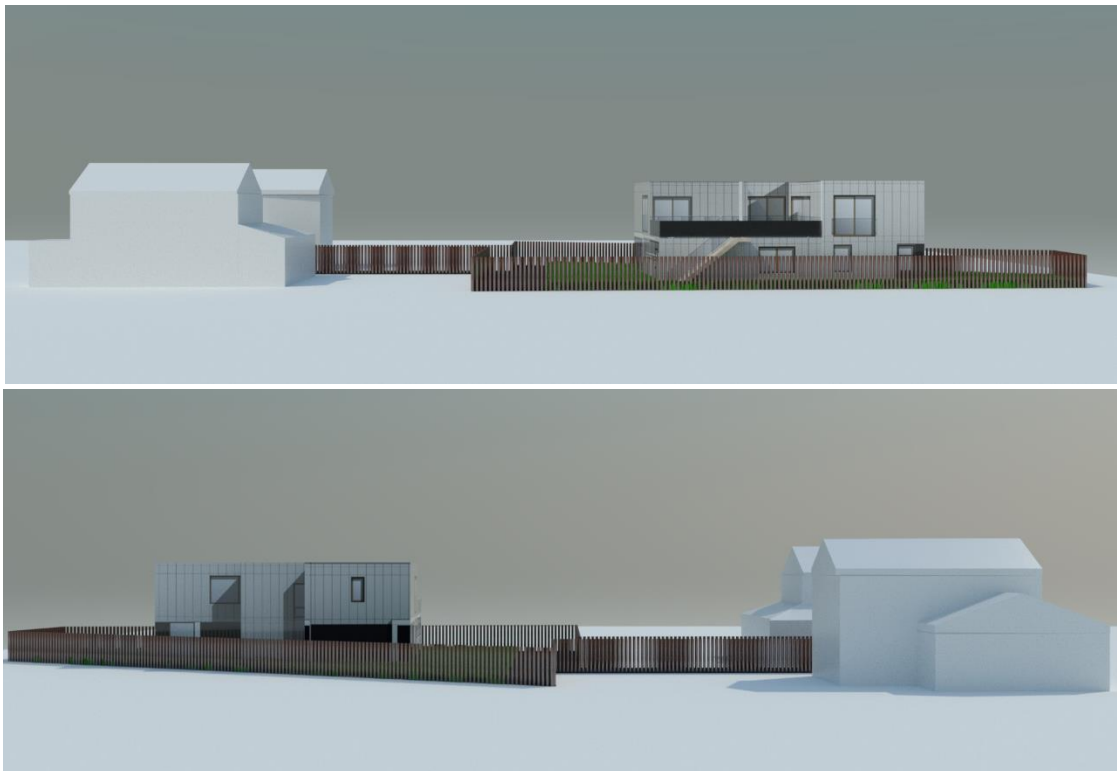
“Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance*

and supplementary planning documents such as design guides and codes; and/or

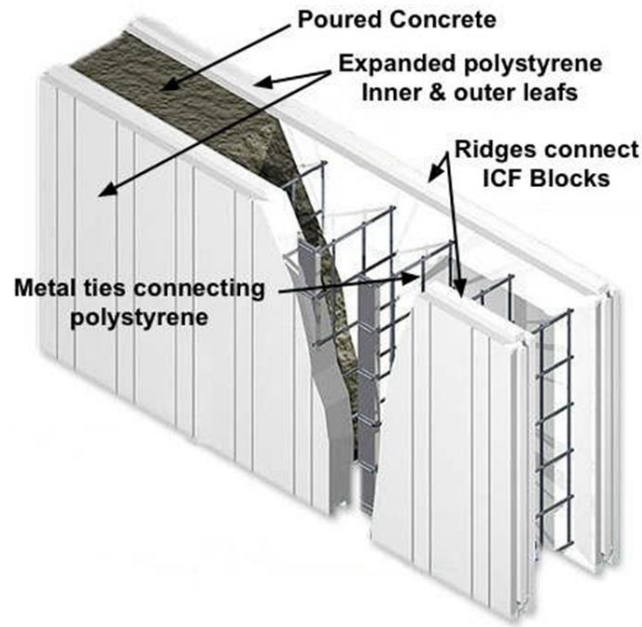
b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.”

- 5.32 The well-designed scheme would comply with the design aspirations of the NPPF promoting high levels of sustainability which would, as described, improve the standard of design within the locale.



Views from east and west

- 5.33 To recap, the new dwelling would be constructed using Insulated Concrete Formwork (ICF) blocks which comprise large polystyrene blocks that lock together to form a house shaped mould into which concrete is poured to form the wall structure of the ICF house. Each polystyrene block comprises two pieces of insulation joined together by metal straps. Once assembled, together with all the other ICF blocks they form an inner wall of insulation and an outer wall of insulation with a void in between where the concrete is poured.



ICF system

- 5.34 On completion, the finished wall is virtually the opposite of a traditional block cavity wall as it has a core of concrete where the insulation would be in a traditional wall and two layers of insulation to the inside and outside where the block work would be on a traditional wall.
- 5.35 The Insulating Concrete Formwork Association states ***“Energy efficiency comes as standard with ICF. The combination of the strong concrete core sitting in direct contact with the insulating material creates a building that delivers on thermal performance and airtightness that will significantly minimises energy bills and has been built to last.”***
- 5.36 In addition, the applicant is considering installing C.U.in window fitments which achieves unparalleled thermal insulation compared to any standard double or triple glazed unit. C.U.in also achieves enhanced sound reduction properties by introducing an additional sound wave absorbing material in the glazing unit.
- 5.37 The dwelling would also benefit from photovoltaic panels to the roof and an Air Source Heat Pump which would further improve the sustainability of the property.
- 5.38 The proposal will also incorporate a sustainable drainage system design featuring underground tanks. The rainwater harvesting system aims to reuse collected water for purposes such as toilet flushing, irrigation, and gardening.
- 5.39 To enhance permeability and minimize runoff, external paved areas will be surfaced with permeable pavers.
- 5.40 The NPPF also sets out that new development should be planned for in ways that can help to reduce greenhouse gas emissions.

- 5.41 London Plan policy SI2 (Minimising greenhouse gas emissions) require residential development to achieve a minimum on-site reduction of 10 percent beyond Building Regulations.
- 5.42 Local Plan policy DMEI 2 (Reducing Carbon Emissions) states that *“All developments are required to make the fullest contribution to minimising carbon dioxide emissions in accordance with London Plan targets”*.
- 5.43 As highlighted earlier the scheme proposes to demolish the existing timber framed and stone clad building and replace it with an energy efficient Insulated Concrete Formwork (ICF) structure from industry leader Nadura.
- 5.44 ICFs are a low-energy option which exceed building regulatory requirements because they have a high thermal mass, which means they absorb and store heat well. This makes them ideal low-energy buildings, as they can regulate indoor temperatures and reduce heating and cooling costs.



Existing stone clad timber construction



Existing stone clad timber building

5.45 Other design features include:

1. The house includes a patio at basement and Glazing to the South elevation, A void is introduced on GF to flush the sunlight in – this reduces the light and heating requirements by 70%.
2. The lightwells and glazing on east and west makes the max use of day light while Cu.in glazing ensures that heat is not lost.
3. The garden displaced by patio is replaced with garden bed in patio and roof garden on terrace. The terrace itself allows amenity to the bedrooms and brings Eastern sun/light
4. Flat roof allows maximum solar gain and so the same roof space will generate 2 times the solar power.
5. Combined with Southern glazing, internal void + lightwell and twice as much solar generation, this design is 80% (SAP as assessed) more energy efficient than the one already approved

5.46 The proposed construction methods and materials would ensure that the proposal achieves the aims of the NPPF, London Plan policy SI2 and Local Plan policy DMEI2 which collectively seek to reduce carbon emissions.

5.47 Notwithstanding the above information, it is important to note that the appeal site is not within a conservation area or within the curtilage of a listed building. As such, the appellant asserts that the site and locale are not so sensitive that they could not accommodate a new high quality contemporary dwelling such as the example currently proposed.

- 5.48 Taking the above information into consideration the council's decision to refuse the proposal was unsound as the appeal proposal would comply with the aims of paragraph 135 of the NPPF, 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) and Policies D1, D3 and D6 of the London Plan (2021).

Impact on residential amenities

- 5.49 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 5.50 Policy DMHB 11 (Design of new development) further seeks to ensure that development proposal should not adversely impact on the amenity, daylight and sunlight of adjacent properties and open space.
- 5.51 During the consultation process 12 neighbours were directly notified of the proposed development and during the consultation period 3 objections were submitted to the council. Objections included harm to neighbouring amenities.
- 5.52 The council made a full assessment of the development in relation to impacts on the amenities of the occupiers of neighbouring residential properties taking into account privacy and overlooking, amenity, daylight and sunlight, and noise. Taking this into account the council concluded "***the proposed development is considered to have an acceptable impact on the amenities of neighbouring dwellings***".
- 5.53 Therefore, the proposed scheme would be a neighbourly form of development which would meet the aims of the NPPF and Local Plan policy DMHB 11 which collectively seek to preserve the residential amenities of neighbouring occupiers.

Standard of accommodation

- 5.54 London Plan 2021 policy D6 (Housing quality and standards) states that housing development should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose.
- 5.55 Local Plan policy DMHB 16 (Housing Standards) seeks to ensure all housing development provides an adequate provision of internal space in order to provide an appropriate living environment. Space standards should meet those set out in Table 5.1.

Table 5.1: Minimum Floorspace Standards (National Space Standards)

Number of bedrooms	Number of bed spaces	Minimum Gross Internal Area (m ²)			Built-in storage (m ²)
		1 storey dwellings	2 storey dwellings	3 storey dwellings	
1b	1p	39 (37)*			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0

- 5.56 The scheme proposes a 3-bedroom/6-person over 3 storey dwelling with a GIA of 374.74sqm. The floor area significantly exceeds the minimum gross internal area set out under table 5.1 of 108sqm.
- 5.57 The internal layout would be efficient, light and spacious with good floor to ceiling heights. Each habitable room would have clear glazed openable windows/doors to allow natural daylight and ventilation which would provide future occupants with a high standard of living.
- 5.58 Policy DMHB 18 (Private outdoor amenity space) states that all new residential development and conversions will be required to provide good quality and useable private outdoor amenity space in line with the standards set out in Table 5.3.

Table 5.3: Private Outdoor Amenity Space Standards

Dwelling type	No of bedrooms	Minimum amenity space provision (sqm)
Houses	1 bedroom	40
	2 and 3 bedrooms	60
	4 + bedrooms	100
Flats	Studio and 1 bedroom	20
	2 bedrooms	25
	3 + bedrooms	30

- 5.59 The proposed layout would retain gardens areas totalling approximately 300sqm which would include a roof terrace, lower ground patio and garden to the front, sides and rear of the property.

- 5.60 It is noted that the delegated officer's report indicates that there is just 116sqm of amenity space (Made up of its garden and roof terrace), however, this has not taken into account the sunken patio or additional areas to the front and sides which are also usable.
- 5.61 Due to the positioning of the property within the plot and its modest height, the garden would not be in continuous shadow and would benefit from sunlight throughout the year.
- 5.62 In addition, due to the separation distances available and the position of the roof terrace and gardens the site would not be unacceptably overlooked.
- 5.63 The council concluded in their assessment of the internal and external accommodation that ***"Overall it is considered that the new dwelling would provide a high standard of amenity and living accommodation for their future occupants"*** and ***"Overall it is therefore considered that the proposed development would have adequate external private amenity space"***.
- 5.64 Therefore, the development would comply with London Plan policy D6 and Local Plan policies DMHB16 and DMHB18 which collectively seek high quality housing with adequate external amenity space.

Accessibility

- 5.65 London Plan 2021 policy D7 (Accessible housing) states:

"To provide suitable housing and genuine choice for London's diverse population, including disabled people, older people and families with young children, residential development must ensure that:

- 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'*
- 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'."*

- 5.66 Whilst the property would have three storeys it would provide a ground floor accessible bedroom, shower room and WC, with kitchenette and living space as well as a lift and step free access.
- 5.67 As a consequence, the living space is considered to be suitable for London's diverse population including disabled and older people.

5.68 During the consultation process the Access Officer assessed the proposal and considered that subject to condition the development would be acceptable.

5.69 Therefore, the proposed development subject to appropriate conditions would comply with the aims of London Plan policy D7.

Transport considerations

5.70 Paragraph 115 of the NPPF states *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

5.71 Policy DMT 6 (Vehicle parking) requires development proposals to comply with Appendix C (Parking standards). Appendix C states that there should be 2 car parking spaces per dwelling and 1 cycle space per 1 or 2 bed unit and 2 cycle spaces per 3 or more bed unit.

5.72 The scheme would retain the existing access into the site and proposes two car parking spaces (garage and forecourt). Cycle storage is proposed within the lockable garage and bin storage would be within the confines of the site.

5.73 The officer’s report concluded in regard to traffic impacts *“it is considered that the proposed development would have an acceptable impact on the highways network.”*

5.74 In summary, the proposed development would comply with the aims of the NPPF and policy DMT6 and Appendix C which collectively seek to ensure that development does not have an unacceptable impact on highway safety.

6.0 CONCLUSIONS

6.1 Every development proposal is unique and therefore, we consider that all appeals should be assessed on their own respective merits, having regard to the particular characteristics of each site.

6.2 The proposed replacement dwelling would have a beneficial impact on housing quality in the borough. By virtue of the proposed construction methods and materials utilised the development would provide an eco-friendly dwelling that would significantly reduce carbon emissions in comparison to the existing building and other standard built dwellings in the area.

6.3 The proposed dwelling would also sit comfortably within its plot and would contribute to the overall character of the area. The proposed dwelling would also be positioned

approximately 40m from the street scene and, as such, its impact on the public realm would be negligible.

- 6.4 The council have confirmed that the development would be appropriate in terms of living conditions for future occupiers, impacts on neighbours, as well as in relation to accessibility and transport impacts. It appears evident that the benefits of the proposal would significantly outweigh the council's overly exaggerated concerns regarding the development.
- 6.5 Consequently, the appellant asserts that the council's decision on this occasion is unsound and thus, it is considered 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).
- 6.6 Therefore, we respectfully request that this appeal proposal be allowed with any reasonable and appropriate planning conditions deemed necessary in the circumstances of this case.

13th June 2024