



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr T Shah

Proposal:
Proposed replacement dwelling and outbuilding at rear

Appeal Site:
27 Eastbury Road, Northwood, HA6 3AJ

Our Ref:
Your Ref:

75352/APP/2023/2684
APP/R5510/W/24/3347534

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 for a Proposed replacement dwelling and outbuilding at rear (Retrospective application).

1.2 The LPA refused planning permission on 01-05-2024 for the following reasons (as stated on the decision notice):

1 The proposed replacement dwelling, by reason of its overall design including the use of unsympathetic modern materials and poor fenestration (including excessive proliferation of rooflights) together with the overall scale, siting and poor overall design of the outbuilding, would result in an incongruous, dominant and visually intrusive form of development that would fail to preserve or enhance the appearance and character of the Northwood, Frithwood Conservation Area. The development would lead to less than substantial harm to the significance of the designated heritage asset and would harm the visual amenities of the street scene and the surrounding area. There are no public benefits that outweigh the harm identified. The proposal is therefore contrary to Policies BE1 and HE1 of the Hillingdon Local Plan: Part One - Strategic Policies (2012), Policies DMHB 1, DMHB 4, DMHB 11 and DMHD 2 of the Hillingdon Local Plan: Part Two - Development Management Policies (2020), Policies D3 and HC1 of the London Plan (2021), Paragraphs 135, 140 and 208 of the National Planning Policy Framework (2023) and Section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990.

2 The development, by reason of the scale, siting and proximity of the outbuilding, and the positioning and proximity of the dormer window and rooflights in the south facing elevation, would respectively, result in visual intrusion and loss of outlook that would be harmful to the residential amenity of the neighbouring occupiers at No.29, and an unacceptable loss of privacy and overlooking that would be harmful to the residential amenity of the neighbouring occupiers at No.25. The proposal is therefore contrary to Policies DMHB 11 and DMHD 2 of Hillingdon Local Plan: Part Two – Development Management Policies (2020), Policy D3 of London Plan (2021) and Paragraph 135(f) of the National Planning Policy Framework (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. A copy of the delegated report is provided at Appendix 1. Copies of relevant planning policies are included at Appendix 2.

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 As noted in paragraphs 4d and 4e of the appellants statement of case, the appellant, by virtue of demolishing and rebuilding the dwelling, did not implement the householder scheme allowed at appeal under PINS ref: APP/R5510/D/20/3250793 (LPA ref: 75352/APP/2020/183).
- 2.2 The LPA does not consider the changes between the allowed scheme and the appeal proposal to be 'minor' and it is not common ground that the architectural design is acceptable, which is referred to in paragraph 6i of the appellants statement of case.
- 2.3 The appeal proposal also comprises the retention of an outbuilding (and solar panels above) that has been erected in the rear garden without the benefit of planning permission.
- 2.4 In paragraph 6j of the appellants statement of case, it is suggested that condition 3 of the appeal decision (PINS ref: APP/R5510/D/20/3250793) required 'the bricks used [to] be similar to the existing brickwork'. The appeal decision is appended to the appellants statement of case at Appendix A.
- 2.5 Notably, condition 3 of the appeal decision which refers to the materials to be used in the construction of the external surfaces of the development hereby permitted, does not state 'similar' materials but specifies 'shall match those used in the existing building'. The photographs provided in figures 4 and 5 of the appellants statement of case demonstrate clearly that the brick and mortar used do not match the brickwork of the original dwelling.
- 2.6 The approved plans of the allowed scheme under PINS ref: APP/R5510/D/20/3250793 are annotated with 'brickwork to match existing'. Therefore, the suggestion made in paragraph 6j of the appellants statement of case that the exterior walls could be rendered would not accord with the approved plans which clearly shows brickwork as the exterior material being used; nor would it comply with condition 3 attached to the appeal decision which requires 'external surfaces of the development hereby permitted shall match those used in the existing building'. The impact of rendering the building, which is part of the appeal proposal that has not been carried out, is discussed in the case officers report.
- 2.7 The above-mentioned condition 3 of the appeal decision is also relevant to the roof tiles used in the construction of the new dwelling. In paragraph 6q of the appellants statement of case, it is suggested that the tiles that have been used are 'a reasonably close match for the tiles that were on the original house'. This is an inaccurate statement as the original dwelling comprised brown clay tiles, whereas the replacement dwelling has been constructed with slate effect tiles. The colour, texture and appearance are very different.
- 2.8 In paragraph 6r of the appellants statement of case, the appellant suggests that there are a variety of roof tiles used on houses in the immediate area. Attention is then drawn to figure 7 of the appellants statement of case, which shows a predominance of brown clay tiles. It is evident from these images that the slate effect tiles would not

harmonise with the prevailing roof materials found on Eastbury Road. This matter is discussed further in the case officers report.

- 2.9 In paragraphs 6t and 6u of the appellants statement of case, the appellant seeks to justify the rooflights and windows in the context of the application site representing a 'modern building' and not being of any 'heritage value'. The harm resulting from the scheme as a whole, including the negative contribution of the fenestration and the porch are covered in the case officer's report.
- 2.10 With regards to addressing reason for refusal 2, in paragraphs 6w – 6aa of the appellants statement of case, it is suggested that the side facing rooflight of the prayer room, the side dormer and rooflight of Bedroom 1 and the adjacent rooflight could be obscure glazed and non-opening. This matter is covered in the case officer's report.
- 2.11 Turning to the outbuilding, in paragraphs 6cc – 6ee of the appellants statement of case, the appellant suggests that it does not cause harm to the special character of the conservation area or on living conditions. These matters are covered in the case officer's report.
- 2.12 The LPA considers that the appellants statement of case does not suitably address the reasons for refusal.

3. Other Matters

- 3.1 The inspector's attention is drawn to two enforcement notices served under LPA ref: ENF/404/22. Notice A refers to - Without planning permission, the erection of a replacement dwelling at 27 Eastbury Road; Notice B refers to - Without planning permission, the erection of an outbuilding at 27 Eastbury Road. The enforcement notices have been appealed under PINS refs: APP/R5510/C/24/3348553 and APP/R5510/C/24/3348551. The LPA will be submitting a further response.

4. Conclusion

- 4.1 For the reasons set out in the delegated report and this statement, the appeal proposal is harmful to the character of the Northwood Frithwood conservation area and the visual amenities of the street scene and harmful to neighbouring residential amenity. The Inspector is therefore 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 3.

Appendices

Appendix 1 – Planning Officer's Delegated Report (already provided)

Appendix 2 – Copies of Relevant Planning Policies (already provided)

Appendix 3 – The LPA's Recommended Conditions (enclosed)

Appendix 3 – The LPA’s Recommended Conditions

For the reasons set out in this appeal statement, the decision notice and the Officers Report, the Inspector is respectfully requested to dismiss the appeal.

In the event that the Inspector is minded allowing the appeal, the Council ask that the following conditions be considered for inclusion on any permission:

1) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan number A871-2c 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).

2) Within 3 months of the date of this decision, details of all materials and external surfaces shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details and be retained as such.

Details should include information relating to make, product/type, colour and photographs/images.

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

REASON

To ensure that the development presents a satisfactory appearance in accordance with Policies DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

3) The dormer windows and rooflights in the side elevation facing No.25 shall be glazed with permanently obscured glass to at least scale 4 on the Pilkington scale and be non-opening below a height of 1.8 metres taken from internal finished floor level for so long as the development remains in existence.

REASON

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

4) Notwithstanding the approved plans, all roof lights shall be conservation roof lights, installed completely flush along the roof line.

REASON

To preserve the character and appearance of the conservation area in accordance with Policy HE1 of the Hillingdon Local Plan Part 1 (2012) and Policies DMHB 1, DMHB 4 and DMHB 11 of the Hillingdon Local Plan Part 2 (2020).

5) The outbuilding hereby permitted shall be used only for purposes incidental to the residential use of the main dwelling No. 27 Eastbury Road, Northwood, HA6 3AJ and shall remain within the same planning unit. The outbuilding shall at no time be used for purposes such as a living room, bedroom, kitchen or as a separate unit of accommodation.

REASON

To avoid any future undesirable fragmentation of the curtilage or the creation of a separate residential use and in the interests of protecting the amenity of adjoining residential properties in accordance with Policies DMHB 11 and DMHD 2 of the Hillingdon Local Plan Part 2 (2020).

6) Within three months of the date of this decision, a landscape scheme shall be 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 Car Parking Layouts (2no car parking spaces including 1 'active' and 1 'passive' electrical car charging points)

2.d Hard Surfacing Materials

2.e Secure and accessible parking spaces for 2 cycles.

3. Schedule for Implementation

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).

7) The dwelling hereby approved shall provide step free access via all points of entry and exit. Such provision shall remain in place for the life of the building.

REASON

To ensure housing of an inclusive design is achieved and maintained in accordance with Policies D5 and D7 of the London Plan (2021).

8) The dwelling hereby approved shall accord with the requirements of Policy D7 of the London Plan, and comply with the technical specifications for an M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015. 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 (2021).

9) 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 (2020).

10) The dwelling hereby approved shall achieve a water efficiency standard of no more than 110 litres per person per day maximum water consumption (to include a fixed factor of water for outdoor use of 5 litres per person per day in accordance with the optional requirement defined within Approved Document G of the Building Regulations).

REASON

In the interest of water conservation and to comply with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020).

11) Within 3 months of the decision date, a scheme for the provision of sustainable water management shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall clearly demonstrate that sustainable drainage systems (SUDS) have been incorporated into the designs of the development in accordance with the hierarchy set out in accordance with Policy SI5 of the London Plan (2021) and will:

- i. provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii. include a timetable for its implementation; and
- iii. provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime. The scheme shall also demonstrate the use of methods to minimise the use of potable water through water collection, reuse and recycling and will:
- iv. provide details of water collection facilities to capture excess rainwater;
- v. provide details of how rain and grey water will be recycled and reused in the development.

Thereafter the development shall be implemented and retained/maintained in accordance with these details for as long as the development remains in existence.

REASON

To ensure the development does not increase the risk of flooding in accordance with Policy DMEI 10 of the Hillingdon Local Plan Part 2 (2020) and Policy SI5 of the London Plan (2021).

INFORMATIVE

1) 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.

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

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.