



Town and Country Planning Act 1990
Section 78 Planning Appeal

London Borough of Hillingdon Appeal Statement

Appeal By:
Mr J Singh

Proposal:
Erection of a two storey 2-bed attached dwelling with associated parking and amenity space and the installation of one new first floor front facing window within no.84

Appeal Site:
84 East Road
West Drayton,
UB7 9HA

1. Introduction

Our Ref:
Your Ref:

31005/APP/2024/1086
APP/R5510/W/24/3350018

- 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: Erection of a two storey 2-bed attached dwelling with associated parking and amenity space and the installation of one new first floor front facing window within no.84

Please note that this appeal statement is made in respect to Appeal Refs: APP/R5510/W/24/3350018

- 1.2 The LPA refused planning permission on 16-07-24 for the development for the following reason (as stated on the decision notice):

The proposal by reason of its siting in this prominent corner position, size, scale, bulk, width, height, design, proximity to the side boundary and significant paving would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment of the site to the detriment of the character, appearance and visual amenities of the area and to this existing open area of the street scene. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMH6, DMHB 11, DMHB 12 and DMHB 14 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020), Policies D3, D4, D6 and D8 of the London Plan (2021) and paragraph 135 of the NPPF (2023).

- 1.3 The LPA's case is set out in the Planning Officer's delegated reports, which should be read in conjunction with this statement. A copy of the delegated report is provided at Appendix 1.
- 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 referred to in point 5.2 of the appellants SOC, the appellant has considered the following as relevant in the determination of this appeal. These are:

- Principle of development
- Planning history
- Design, character and impact on the street scene
- Further material considerations

- 2.2 In response to paragraphs 5.3 – 5.15 of the appellants SOC outlining the relevant policies regarding the principle of development, the LPA would argue that when viewed from the street scene, the proposed development would largely infill the side of the existing property visually reducing the garden area for the existing property. As such, Policy DMH 6 (Garden and Backland Development) would be relevant in this instance with its 'presumption against the loss of gardens due to the need to maintain local character'. The proposed development as mentioned in greater detail within the Officer Report would largely infill a spacious gap between number 84 and 86 East

Road to the detriment of the character and appearance of the surrounding area and street scene. In addition to this, it is acknowledged the need for additional housing, however at present, the LPA are able to demonstrate a five-year supply of deliverable housing sites.

The Councils Strategic Housing Marketing Assessment (SHMA) indicates that there is an underlying need for family sized housing with the highest need, family sized affordable housing. The London Plan defines family sized housing as units of 3 or more bedrooms. The appeal scheme sought consent for a 2 bed dwelling therefore failing to contribute towards an identified thus very limited if any weight can be afforded to provision of new housing. As such, the "tilted balance" as set out in Paragraph 11d of the NPPF (2023) is not engaged.

- 2.3 In response to paragraphs 5.16 – 5.21 of the appellants SOC outlining the planning history for the site the LPA argue that although each application is assessed on its own merits, the planning history for the site is relevant in this instance. The site characteristics remain the same as the previously refused and dismissed application under reference 31005/APP/2020/3975 (appeal ref. APP/R5510/W/21/3277296) with the spacious gap still in place between numbers 84 and 86 East Road. It is acknowledged that the design of the development differs to the previous refused development and a full assessment has been made within the Officers Report. It is still considered that the proposed development would largely infill the spacious gap between the properties to the detriment of the character and appearance of the street scene.
- 2.4 In response to paragraphs 5.22 – 5.49 of the appellants SOC outlining the Design, character and impact on the street scene, as mentioned within the Officers Report as the development is attached to the side of number 84 it should appear subservient. It has been acknowledged that Policy DMHD 1 would not be entirely relevant in this case given it relates to household extensions and as such this policy has not been mentioned within the reason for refusal. It is the combination of the design of the development and its enclosure of the openness of the site which has contributed to the refusal of the application.
- 2.5 In response to paragraph 5.30 and 5.31 of the appellants SOC which state that the 'open gap between numbers 84 and 86 is not characteristic of the street scene', the LPA would disagree with this point. As mentioned in further detail within the Officers Report, the open gap is a key characteristic which is found between sets of properties. This gap especially breaks up the mass of built form of the area. This has been backed up by the Inspectors comments within the previous dismissed application at the site under reference 31005/APP/2020/3975 (appeal ref. APP/R5510/W/21/3277296).
- 2.6 In response to paragraphs 5.33 – 5.34 it is acknowledged that larger rows of terraced properties exist in the immediate surrounding area, however as this site forms an end of terrace plot on the bend of East Road and Blackthorne Avenue it would appear to be overly extended by way of closing the spacious gap that breaks up the built form. It is considered that this row of terraced properties was originally designed in this way and adding additional bulk would be harmful to the character and appearance of the street scene.

- 2.7 In response to paragraphs 5.42 and 5.43 of the appellants SOC regarding the level of paving within the rear garden, should this appeal be allowed, the LPA would request that a suitable condition be added to ensure that the landscaping would integrate with the surrounding area and increase biodiversity at the site. A list of conditions has been included at Appendix 2.
- 2.8 In response to paragraphs 5.44 – 5.47 in relation to the site density. The LPA argue that the overall design and location of the proposed dwelling is an overdevelopment of the site rather than the units per hectare. A detailed assessment has been made in the Officers Report.
- 2.9 Paragraphs 5.50 – 5.65 of the appellants SOC detail ‘other material considerations’ listing examples of ‘similar developments’. These differ to the examples given within the original submission. However, as mentioned within the Officer Report, each application is determined on its own merits and many of the listed examples given are not in close proximity to the appeal site and therefore should not be afforded substantial weight. In the case of 123 Central Avenue, the site characteristics are different given the orientation of the properties along Orchard Road and Central Avenue as well as the larger separation distance.
- 2.10 Paragraphs 5.61 – 5.64 of the appellants SOC mention an example of development at number 24 Wheatley Crescent, Hayes. Whilst noting the similarities within the developments, the openness of the street at Wheatley Crescent had already been degraded through the introduction of a pair of infill semi-detached properties. And as such the sites do differ from one another.
- 2.11 The other points raised with the appellants SOC have been sufficiently covered within the Officers delegated report.

3. Conclusion

- 3.1 For the reasons set out in the Officers Delegated Report and this statement the Inspector is respectfully requested to dismiss the appeal.
- 3.2 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 2.

Appendices

Appendix 1 – Planning Officer’s Delegated Report

Appendix 2 – The LPA’s Recommended Conditions and List of Relevant Planning Policies