



Appeal Decision

Site Visit made on 29 June 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2021

Appeal Ref: APP/R5510/W/21/3269311

Land adjacent to 22 Chestnut Close, Hayes UB3 1JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr H Saini against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 60992/APP/2020/3354, dated 17 October 2020, was refused by notice dated 4 February 2021.
 - The development proposed is "erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space".
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space at Land adjacent to 22 Chestnut Close, Hayes UB3 1JF in accordance with the terms of the application, Ref 60992/APP/2020/3354, dated 17 October 2020, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have taken the description of proposed development from the Council's decision notice as this is a clearer and more precise description of what is shown in the proposed plans than that provided by the appellant in their application and appeal forms. This does not change the scheme for which planning permission is sought.
3. The application form also identified the appeal site as "land adjacent to 2 Chestnut Close", but the plans, appeal form and other submissions confirm this is an error and the correct address is 'land adjacent to 22 Chestnut Close'.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the building and the surrounding area.

Reasons

5. The appeal site comprises one half of a pair of two storey semi-detached dwellings with front, side and rear gardens and an outbuilding on a corner plot. The surrounding area is characterised by a mix of semi-detached and short terraced rows of dwellings of similar styles, set back behind front gardens or off-street parking. It is proposed to extend the existing dwelling to the side to create a two-bedroom dwelling with a ground floor rear projection. Not including the ground floor rear projection, the proposed dwelling would be of

- matching depth and height as the existing dwelling, with a matching hipped roof.
6. Planning permission exists for the extension of the existing dwelling to create a one-bedroom dwelling¹. Copies of that scheme have been presented by the appellant. The main differences between the approved scheme and the proposal are: the front elevation of the approved scheme would be set back from that of the existing dwelling; the approved scheme would be of narrower width and longer depth compared to the proposal; the approved scheme would be set in further from the side boundary than the proposal; and the approved scheme would have its main entrance on the side elevation. In the context of surrounding semi-detached pairs and short rows of terraced houses, the approved scheme would appear contrived on account of its set back from Chestnut Close and its long side elevation and main entrance door facing Walnut Close.
 7. One of the Council's objections to the proposal is that it would close an important gap characteristic to the area, resulting in a cramped form of development, but I have seen no evidence to suggest this open gap is a particular characteristic of the area. I noted the dwellings erected within what were previously similar gaps at 21 and 23 Chestnut Close on the opposite side of the street, either side of the entrance to Almond Close. I also note details of a similar scheme which would occupy the side garden of 24 Walnut Close, which was recently granted planning permission².
 8. The Council have suggested there are considerable differences between the proposal and the approved scheme at No.24, but having seen the plans presented they are in fact very similar in terms of size, scale, bulk and design, although the approved scheme at No.24 would vary in distance from its side boundary. The proposal would be sited closer to its side boundary than the dwellings approved at Nos. 21, 23 and 24, but not by much. It would retain what the Council refer to as a 1m gap and would not appear any more cramped than the surrounding building layouts. The proposal would appear in unison with those dwellings occupying former open plots on the opposing corners of the junctions of Chestnut Close, Walnut Close, and Almond Close.
 9. The proposal would project towards to the boundary on Walnut Close, forward of the building line within that cul-de-sac. This would reduce the currently open entrance to the cul-de-sac; however, considering the approved scheme at No.24 on the other side of the entrance to the cul-de-sac, there would be limited benefits from the appeal site remaining open. The existing dwelling already projects forward of the main building line within Walnut Close, which steps back even further at its southwestern end. The effect of the proposal on views of that building line from Chestnut Close would therefore be diminished.
 10. The Council have also objected to the proposal on the basis that it would not appear as a subordinate addition to the existing dwelling, referring to the lack of a set back at all levels. As a new dwelling rather than an extension to the existing dwelling, I do not consider it necessary for the proposal to appear subordinate to the existing dwelling in order to ensure it blends well with the character and appearance of the building and surrounding area. The proposal

¹ 60992/APP/2019/2719

² APP/R5510/W/20/3247712

would complement the existing dwelling by being of similar width and matching height and depth.

11. The proposal would therefore reflect other dwellings approved on the three other corner plots on the junctions of Chestnut Close, Walnut Close and Almond Close and would not cause any harm to the character or appearance of the existing building or surrounding area, in accordance with Policy BE1 of the Council's Local Plan: Part 1³ and Policy DMHB 11 of the Council's Local Plan: Part 2⁴. These policies require, amongst other things, all new development to improve and maintain the quality of the built environment, which should harmonise with the local context without resulting in inappropriate development of gardens.
12. The Council's decision notice refers to Policy DMHB 1 of their Local Plan: Part 2; however, this policy relates to heritage assets and I have not been provided with any evidence to suggest the proposal affects any heritage assets. I therefore find no conflict with this policy.
13. The Council's decision notice claims the proposal fails to accord with the London Plan (2016) and the Framework⁵, but no specific policies or paragraphs are referred to or have been provided with the Council's appeal submissions. The Council's appeal statement confirms the London Plan (2021) forms part of their development plan now, but no specific policies are identified as relevant to the proposal. Based on the evidence before me, I do not see any conflict with the London Plan (2021) or the Framework.

Other Matters

14. The Council have referred to a previous appeal decision at the appeal site dating from 2004, where a scheme for a house was dismissed due to its impact on the openness and character of the street scene and surrounding area. The reference number for that appeal decision has not been provided and neither have copies of the full details of that scheme or the appeal decision itself to allow me to make an informed comparison with the proposal. From the two selected paragraphs of that decision provided in the Council's officer report it is clear that the layout and character of the area has changed since that appeal decision was written, with planning permission since being granted for dwellings at the appeal site and Nos. 23 and 24. Circumstances have therefore changed and I have assessed the proposal based on its merits in the context of its current surroundings and the planning permissions recently granted, finding no harm would be caused to the character or appearance of the area.

Conditions

15. It is necessary to attach a condition requiring the commencement of development within the relevant timeframe and a condition identifying the approved plans, in the interests of clarity and enforcement. I have seen the conditions suggested by the Council, but do not consider a condition prohibiting the installation of any additional windows, doors or other openings to be reasonable or necessary to prevent overlooking to adjoining properties in this instance. I have amended some of the other conditions suggested by the

³ Hillingdon Local Plan: Part 1 – Strategic Policies (2012)

⁴ Hillingdon Local Plan: Part 2 – Development Management Policies (2020)

⁵ National Planning Policy Framework (2019)

Council to ensure they meet the relevant tests set out in the Planning Practice Guidance.

16. Conditions relating to materials and landscaping are necessary to safeguard the character and appearance of the area. A condition ensuring the car parking spaces are retained for such purposes is necessary in the interests of highway and pedestrian safety. The Council have suggested a condition specifying the provision of visibility splays, but I note the submitted plans show visibility splays which appear to be of appropriate layout for the site and the Council's officer report has not raised any objection to this layout. A condition requiring the implementation of the proposed parking layout, which includes visibility splays, prior to the occupation of the new dwelling is therefore necessary to ensure highway and pedestrian safety. A condition requiring compliance with the relevant parts in Approved Document M to the Building Regulations is necessary to ensure the building is accessible to occupants with reduced mobility, and this would ensure access to the dwelling is step-free, removing the need for an additional condition specifying this.
17. The Council have not suggested a condition relating to bicycle storage facilities, but the officer report suggests such a condition requiring details of two secure and covered bicycle parking spaces would be necessary to ensure compliance with the development plan

Conclusion

18. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

L Douglas

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan dated 18 April 2018; a101 dated 10 December 2020; A102 dated 10 December 2020; A105 dated 10 December 2020; A106 dated 10 December 2020; A107 dated 10 December 2020; A109 dated 10 December 2020.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until a landscape scheme has been 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 (inc. elevations if appropriate)
 - 2.b Cycle Storage (inc. elevations if appropriate)
 - 2.c Means of enclosure/boundary treatments (inc. elevations if appropriate)
 - 2.d Car Parking Layouts
 - 2.e Hard Surfacing Materials
 - 2.f External Lighting
 3. Details of Landscape Maintenance
 - 3.a Landscape Maintenance Schedule for a minimum period of 5 years.
 - 3.b Proposals for the replacement of any tree, shrub, or area of surfacing/seeding within the landscaping scheme which dies or in the opinion of the Local Planning Authority becomes seriously damaged or diseased.

Thereafter the development shall be carried out and maintained in full accordance with the approved details.
- 5) The dwelling shall not be first occupied until space has been laid out within the site in accordance with drawing no. A107 dated 10 December 2020 for two cars to be parked and that space shall thereafter be kept available at all times for those purposes.
- 6) The dwelling shall not be first occupied until details of secure covered bicycle parking facilities have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the dwelling hereby

permitted. The secure covered bicycle parking facilities shall thereafter be retained and kept available at all times for the parking of bicycles.

- 7) The dwelling shall not be first occupied until the Building Regulations Optional requirement M4(2) has been complied with.



Mr Shivraj Panaich
50 Alleyn Park
Middlesex
Southall
UB2 5QU

Application Ref:
60992/APP/2020/3354

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
REFUSAL OF PLANNING PERMISSION

The Council of the London Borough of Hillingdon as the Local Planning Authority within the meaning of the above Act and associated Orders **REFUSES** permission for the following:-

Description of development:

Erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space

Location of development: 22 Chestnut Close Hayes

Date of application: 10 December 2020

Plan Numbers: See attached Schedule of plans

Permission is refused for the reason(s) listed on the attached schedule:-

Head of Planning, Transportation and Regeneration

Date: 4 February 2021

NOTES: (i) Please also see the informatives included in the Schedule of Reasons.

(ii) Should you wish to appeal against this decision please read the attached sheet which explains the procedure.

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

REFUSAL OF PLANNING PERMISSION

Application Ref: 60992/APP/2020/3354

SCHEDULE OF REASONS

- 1 . The proposed development by reason of its siting in this open prominent position, its size, scale, bulk, depth, width, proximity to the side boundary and projection forward of the return building line along Walnut Close, would result in the closing 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 visual amenities of the street scene and the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), the London Plan (2016) and the NPPF.
- 2 . The proposed development, by virtue of its siting, size, scale and design, including the lack of a set back from the front at all levels, would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original house, the visual amenities of the street scene and the character and appearance of the wider area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), the London Plan (2016) and the NPPF.

INFORMATIVES:

- 1 . The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).
- 2 . The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

Part 1 Policies:

PT1.BE1	(2012) Built Environment
PT1.H1	(2012) Housing Growth

Part 2 Policies

DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards

SCHEDULE OF REASONS

DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

- 3 . On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

END OF SCHEDULE

Address:

Residents Services
London Borough of Hillingdon
3 North Civic Centre, High Street, Uxbridge UB8 1UW
Tel: 01895 250230
www.hillingdon.gov.uk

REFUSAL OF PLANNING PERMISSION

Application Ref.No.: 60992/APP/2020/3354

SCHEDULE OF PLANS

Block Plan (1:500) - received 19 Oct 2020

Location Plan (1:1250) - received 19 Oct 2020

A101 - received 19 Oct 2020

A102 - received 19 Oct 2020

A105 - received 19 Oct 2020

A106 - received 19 Oct 2020

A107 - received 19 Oct 2020

A109 - received 19 Oct 2020

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the office of the First Secretary of State under Section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate at Customer Support Unit, Room 3/15 Eagle Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8424). Appeal forms can be downloaded from the Planning Inspectorate's website at www.Planning-inspectorate.gov.uk

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal.

Further details are available at www.gov.uk/government/collections/casework-dealt-with-by-inquiries

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances, which excuse the delay in giving notice of an appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices.

If either the local planning authority or the officer of the First Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use by carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

DELEGATED DECISION

- Please select each of the categories that enables this application to be determined under delegated powers
 - Criteria 1 to 5 or criteria 7 to 9 must be addressed for all categories of application, except for applications for Certificates of Lawfulness, etc.

APPROVAL RECOMMENDED: GENERAL

Select Option

- | | |
|--|--------------------------|
| 1. No valid planning application objection in the form of a petition of 20 or more signatures, has been received | ☐ |
| 2. Application complies with all relevant planning policies and is acceptable on planning grounds | ☐ |
| 3. There is no Committee resolution for the enforcement action | ☐ |
| 4. There is no effect on listed buildings or their settings | ☐ |
| 5. The site is not in the Green Belt (but see 11 below) | ☐ |

REFUSAL RECOMMENDED: GENERAL

- | | |
|--|--------------------------|
| 6. Application is contrary to relevant planning policies/standards | ☐ |
| 7. No petition of 20 or more signatures has been received | ☐ |
| 8. Application has not been supported independently by a person/s | ☐ |
| 9. The site is not in Green Belt (but see 11 below) | ☐ |

RESIDENTIAL DEVELOPMENT

- | | |
|--|--------------------------|
| 10. Single dwelling or less than 10 dwelling units and/or a site of less than 0.5 ha | ☐ |
| 11. Householder application in the Green Belt | ☐ |

COMMERCIAL, INDUSTRIAL AND RETAIL DEVELOPMENT

- | | |
|--|--------------------------|
| 12. Change of use of retail units on site less than 1 ha or with less than 1000 sq m other than a change involving a loss of A1 uses | ☐ |
| 13. Refusal of change of use from retail class A1 to any other use | ☐ |
| 14. Change of use of industrial units on site less than 1 ha or with less than 1000sq.m. of floor space other than to a retail use. | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 15. Certificate of Lawfulness (for proposed use or Development) | ☐ |
| 16. Certificate of Lawfulness (for existing use or Development) | ☐ |
| 17. Certificate of Appropriate Alternative Development | ☐ |

CERTIFICATE OF LAWFULNESS

- | | |
|---|--------------------------|
| 18. ADVERTISEMENT CONSENT (excluding Hoardings) | ☐ |
| 19. PRIOR APPROVAL APPLICATION | ☐ |
| 20. OUT-OF-BOROUGH OBSERVATIONS | ☐ |
| 21. CIRCULAR 18/84 APPLICATION | ☐ |
| 22. CORPSEWOOD COVENANT APPLICATION | ☐ |
| 23. APPROVAL OF DETAILS | ☐ |
| 24. ANCILLARY PLANNING AGREEMENT (S.106 or S.278) where Heads of Terms have already received Committee approval | ☐ |
| 25. WORKS TO TREES | ☐ |
| 26. OTHER (please specify) | ☐ |

The delegation powers schedule has been checked. Director of Residents Services can determine this application.

Case Officer

Signature:

Date:

A delegated decision is appropriate and the recommendation, conditions/reasons for refusal and informatives are satisfactory.

Team Manager:

Signature:

Date:

The decision notice for this application can be issued.

Director / Member of Senior Management Team:

Signature:

Date:

NONE OF THE ABOVE DATES SHOULD BE USED IN THE PS2 RETURNS TO THE ODPM

Item No. **Report of the Head of Planning, Transportation and Regeneration**

Address 22 CHESTNUT CLOSE HAYES

Development: Erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space

LBH Ref Nos: **60992/APP/2020/3354**

Drawing Nos: Block Plan (1:500)
 Location Plan (1:1250)
 A101
 A102
 A105
 A106
 A107
 A109

Date Plans received : 10/12/2020

Date(s) of Amendment(s):

Date Application Valid: 10/12/2020

1. **SUMMARY**

The application seeks permission for the erection of a two storey, 2 bedroom, attached dwelling with associated parking and amenity space.

The application is a re-submission of the approved planning application Ref: 60992/APP/2019/2719 which was approved on the 29th October 2019 and can still be implemented on site. This application seeks permission to significantly increase the width of the dwelling and to move it flush with the main front elevation of the house rather than set-back and to increase the number of bedrooms and parking spaces from 1 to 2 and would be almost identical to the application refused under the Ref: 56122/APP/2018/3988.

It is considered that the proposed changes to the scheme would result in an overly wide and incongruous form of development which would be harmful to the character and open aspect of the corner plot.

2. **RECOMMENDATION**

REFUSAL for the following reasons:

1 NON2 Non Standard reason for refusal

The proposed development by reason of its siting in this open prominent position, its size, scale, bulk, depth, width, proximity to the side boundary and projection forward of the return building line along Walnut Close, would result in the closing 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 visual amenities of the street scene and the character and appearance of the surrounding area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), the London Plan (2016) and the NPPF.

NON2 Non Standard reason for refusal

The proposed development, by virtue of its siting, size, scale and design, including the lack of a set back from the front at all levels, would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original house, the visual amenities of the street scene and the character and appearance of the wider area. The proposal is therefore contrary to Policies BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 1, DMHB 11 of the Hillingdon Local Plan Part Two - Development Management Policies (January 2020), the London Plan (2016) and the NPPF.

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to REFUSE planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to REFUSE planning permission has been taken having regard to the policies and proposals in the Hillingdon Local Plan Part 1 (2012) and Part 2 (2020) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including The London Plan - The Spatial Development Strategy for London consolidated with alterations since 2011 (2016) and national guidance.

DMH 4	Residential Conversions and Redevelopment
DMHB 11	Design of New Development
DMHB 12	Streets and Public Realm
DMHB 14	Trees and Landscaping
DMHB 15	Planning for Safer Places
DMHB 16	Housing Standards
DMHB 17	Residential Density
DMHB 18	Private Outdoor Amenity Space
DMT 1	Managing Transport Impacts
DMT 2	Highways Impacts
DMT 5	Pedestrians and Cyclists
DMT 6	Vehicle Parking
LPP 3.3	(2016) Increasing housing supply
LPP 3.4	(2015) Optimising housing potential
LPP 3.5	(2016) Quality and design of housing developments
LPP 3.8	(2016) Housing Choice
LPP 7.4	(2016) Local character
NPPF- 2	NPPF-2 2018 - Achieving sustainable development
NPPF- 5	NPPF-5 2018 - Delivering a sufficient supply of homes
NPPF- 11	NPPF-11 2018 - Making effective use of land
NPPF- 12	NPPF-12 2018 - Achieving well-designed places

On this decision notice policies from the Councils Local Plan: Part 1 - Strategic Policies appear first, then relevant Local Plan Part 2 (2020), then London Plan Policies (2016). Hillingdon's Full Council adopted the Hillingdon Local Plan: Part 1 - Strategic Policies on 8 November 2012 and the Hillingdon Local Plan Part 2 on 16 January 2020.

3. CONSIDERATIONS

3.1 Site and Locality

The application site is located on the Southern side of Chestnut Close, at its junction with Walnut Close. The frontage of the property faces Chestnut Close with its flank boundary along Walnut Close. The site comprises a two storey semi-detached property, with a detached store in the rear garden. The dwelling adjoins 20 Chestnut Close to the West. The application site is well screened from the street in that its flank boundary to Walnut Close has a 2 m high hedge.

The site is situated within a residential area where properties are similar in their character and appearance.

3.2 Proposed Scheme

Planning permission is sought for the erection of a two storey, 2 bed dwelling with habitable roof space, associated parking and amenity space.

3.3 Relevant Planning History

56122/APP/2003/2014 Land Forming Part Of 22 And 22 Chestnut Close Hayes

ERECTION OF NEW ATTACHED TWO STOREY HOUSE AND A SINGLE STOREY REAR EXTENSION TO EXISTING HOUSE

Decision: 09-10-2003 Refused **Appeal:** 29-07-2004 Dismissed

60992/APP/2005/2176 22 Chestnut Close Hayes

ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION

Decision: 28-09-2005 Refused **Appeal:** 31-08-2006 Dismissed

60992/APP/2018/1608 22 Chestnut Close Hayes

Conversion of roofspace to habitable use to include rear dormer, 2 front rooflights, and conversion of roof from hip to gable end (Application for a Certificate of Lawful Development for a Proposed Development)

Decision: 27-06-2018 Approved

60992/APP/2019/1736 22 Chestnut Close Hayes

Part two storey, part single storey side/rear extension

Decision: 11-07-2019 Approved

60992/APP/2019/2719 22 Chestnut Close Hayes

Erection of two storey, 1 -bed dwelling with associated parking and amenity space, and single storey rear extension to existing dwelling, involving demolition of existing outbuilding

Decision: 29-10-2019 Approved

Comment on Planning History

The site has a lengthy planning history as follows:

Application ref: 56122/APP/2001/639 for the erection of an attached house was refused on the 25th April 2001.

A further application for the erection of a new, attached two storey house and a single storey rear extension to the existing house was refused on the 9/10/03. A subsequent appeal was lodged and dismissed. The application was refused on the grounds that it would have a negative impact upon the open aspect of the corner plot.

Application ref: 56122/APP/2018/3988 for the erection of a 'two storey semi-detached 3-bed dwelling' was refused on the 7th January 2019 for the following reasons:-

1. The proposed development by reason of its siting in this open prominent position, its size, scale, bulk, depth, width, proximity to the side boundary and projection forward of the return building line along Walnut Close, would result in the closing 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 visual amenities of the street scene and the character and appearance of the surrounding area. The proposed development is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Documents HDAS: Residential Extensions and HDAS: Residential Layouts.

2. The proposed development, by virtue of its siting, size, scale and design, including the lack of a set back from the front at all levels, would fail to appear as a subordinate addition and would thus be detrimental to the appearance of the original house, the visual amenities of the street scene and the character and appearance of the wider area. The proposal is therefore contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies BE13, BE15 and BE19 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Extensions.

3. The proposal has not demonstrated that sufficient off street parking/manoeuvring/access arrangements would be provided for the existing dwelling, and therefore the development is considered to result in substandard car parking provision to the Council's approved car parking standard, which would lead to on-street parking/queuing to the detriment of public and highway safety, contrary to policy AM14 of the Hillingdon Local Plan: Part Two - Saved UDP Policies (November 2012), to Hillingdon's Adopted Parking Standards (Hillingdon Local Plan:Part Two - Saved UDP Policies (November 2012) and the Council's adopted Supplementary Planning Document HDAS: Residential Layouts.

4. The proposed development, by virtue of its failure to provide amenity space of sufficient size and quality commensurate to the size and layout of the said unit would result in an over-development of the site detrimental to the residential amenity of existing and future occupiers. The proposal is therefore contrary to Policies BE19 and BE23 of the Hillingdon Local Plan: Part Two - Unitary Development Plan Saved Policies (November 2012) and the adopted Supplementary Planning Document HDAS: Residential Layouts.

Application ref: 56122/APP/2018/3988 for the erection of a 'Part two storey, part single storey side/rear extension' was approved on the 11th July 2019.

Application ref:60992/APP/2019/2719 for the 'Erection of two storey, 1 -bed dwelling with associated parking and amenity space, and single storey rear extension to existing dwelling, involving demolition of existing outbuilding' was approved on the 29th October 2019.

Officer Comment: Application ref:60992/APP/2019/2719 was approved given that the design, width and position of the proposed house would almost replicate the two storey side extension approved under Ref: 56122/APP/2018/3988. Unlike the other earlier submissions the proposal proposed only one bedroom as such the off-street parking requirement was reduced. Furthermore the modest width and the proposal, set-back from behind the main front elevation of the property and set in from the site boundary means that it would appear subordinate to the main house and would retain some openness on this prominent corner plot. It is considered that this submission is similar to the refused application ref:60992/APP/2019/2719.

Planning permission refused under Ref: 56122/APP/2003/2014 for the erection of new attached 2 storey house and single storey rear extension to existing house. This application was very similar to the current proposal. A subsequent appeal against this decision was dismissed on 22 July 2004.

4. Advertisement and Site Notice

4.1 Advertisement Expiry Date:- Not applicable

4.2 Site Notice Expiry Date:- Not applicable

5. Comments on Public Consult

A total of 4 adjoining and nearby neighbouring properties were consulted via letter dated 16/12/20. No comments were received.

Internal Consultees:

Access Officer:

'I have considered the detail of this planning application for a two storey, two bedroom, dwelling and deem there to be no accessibility issues raised by the proposal. However, the following Conditions should be attached to any grant of planning permission: Any grant of planning permission should include the following conditions: Prior to works commencing, details of step free access via the principal private entrance shall be submitted to, and approved in writing, by the Local Planning Authority. Such provision shall remain in place for the life of the building. REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2016 London Plan policy 3.8(c) and policy D7 of the 2019 (Intend to Publish) London Plan, is achieved and maintained. The dwellings hereby approved shall be constructed to meet the standards for a Category 2 M4(2) dwelling, as set out in Approved Document M to the Building Regulations (2010) 2015, and all such provisions shall remain in place for the life of the building. REASON: To ensure that an appropriate standard of housing stock, in accordance with the 2016 London Plan policy 3.8(c) and policy D7 of the 2019 (Intend to Publish) London Plan, is achieved and maintained'.

Environmental Protection: No comments received.

6. Local Plan Designation and London Plan

The following Local Plan Policies are considered relevant to the application:-

Part 1 Policies:

PT1.BE1 (2012) Built Environment

PT1.H1 (2012) Housing Growth

Part 2 Policies:

DMH 4 Residential Conversions and Redevelopment

DMHB 11 Design of New Development

DMHB 12 Streets and Public Realm

DMHB 14 Trees and Landscaping

DMHB 15 Planning for Safer Places

DMHB 16 Housing Standards

DMHB 17 Residential Density

DMHB 18 Private Outdoor Amenity Space

DMT 1 Managing Transport Impacts

DMT 2 Highways Impacts

DMT 5 Pedestrians and Cyclists

DMT 6 Vehicle Parking

LPP 3.3 (2016) Increasing housing supply

LPP 3.4 (2015) Optimising housing potential

LPP 3.5 (2016) Quality and design of housing developments

LPP 3.8 (2016) Housing Choice

LPP 7.4 (2016) Local character

NPPF- 2 NPPF-2 2018 - Achieving sustainable development

NPPF- 5 NPPF-5 2018 - Delivering a sufficient supply of homes

NPPF- 11 NPPF-11 2018 - Making effective use of land

NPPF- 12 NPPF-12 2018 - Achieving well-designed places

In addition: Since the previous 2019 application was approved the Council have adopted their new Local Plan Part Two: Development Management Policies (2020).

Development Plan

1.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

1.2 The Development Plan for the London Borough of Hillingdon currently consists of the following documents:

The Local Plan: Part 1 - Strategic Policies (2012)

The Local Plan: Part 2 - Development Management Policies (2020)

The Local Plan: Part 2 - Site Allocations and Designations (2020)

The West London Waste Plan (2015)

The London Plan - Consolidated With Alterations (2016)

Material Considerations

The National Planning Policy Framework (NPPF) (2019) is also a material consideration in planning decisions, as well as relevant supplementary planning documents and guidance.

Emerging Planning Policies

Paragraph 48 of the National Planning Policy Framework (NPPF) 2019 states that 'Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- (a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- (b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- (c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Draft London Plan (Intend to Publish Version, December 2020)

The GLA consulted upon a draft new London Plan between December 2017 and March 2018 with the intention of replacing the previous versions of the existing London Plan. The Plan was subject to examination hearings from February to May 2019, and a Consolidated Draft Plan with amendments was published in July 2019. The Panel of Inspectors appointed by the Secretary of State issued their report and recommendations to the Mayor on 8th October 2019.

The Mayor considered the Inspectors' recommendations and, on 9th December 2019, issued to the Secretary of State his intention to publish the London Plan along with a statement of reasons for the Inspectors' recommendations that the Mayor did not wish to accept. The Secretary of State responded on the 13th March 2020 and stated that he was exercising his powers under section 337 of the Greater London Authority Act 1999 to direct that modifications are required.

7. MAIN PLANNING ISSUES

7.1 Impact on the amenities of the occupiers of neighbouring residential properties

Policy DMHB11 of the Hillingdon Local Plan: Part Two states that buildings should be laid out so that adequate daylight and sunlight can penetrate into and between them, and the amenities of existing houses are safeguarded. Furthermore the policy stresses the importance of new buildings and extensions providing adequate amount of external amenity space, that not only protects the amenity of the occupants of the proposed development, but also of those of the surrounding buildings, as well as protecting both parties privacy.

The proposed dwelling would be located at the end of the row of houses on a corner plot adjacent to the road. It would only extend 1.6 metres beyond the rear elevation of the host property and it has already been established in the assessment of the other applications for dwellings on this site that the other nearby dwellings are enough distance from the site to ensure that there would not be harm to their amenity.

As such it is considered that the proposed development would not cause harm the

amenity of nearby residents by way of loss of light, outlook or privacy.

7.2 Impact on Street Scene

Policy DMHB 12 of the Hillingdon Local Plan: Part Two requires all new development to maintain the quality of the built environment including providing high quality urban design. Furthermore the policy resists any development which would fail to harmonise with the existing street scene and seek to ensure any new development complements the amenity of the area.

The proposed attached dwelling would measure 5.2 m in width with an eaves height to match the host dwelling at No.22 and would have a pitched roof which would follow the existing gradient. A gap of 1 m would be retained between the flank wall of the dwelling and the boundary with the highway. This arrangement is identical to application ref:56122/APP/2018/3988 which was refused.

The application property is a semi-detached dwelling in a street comprising mainly of similar dwellings. It is located at the junction of Chestnut Close and Walnut Close and the proposal is to add a further dwelling. The houses along Walnut Close, closest to the junction are terraces of 4 dwellings and are approximately in line with the original side elevation of No. 22 Chestnut Close. They are close enough so that when viewed from the Chestnut Close highway, the terraced houses can clearly be seen forming a line with the side of No.22. The addition of a new dwelling would breach this return building line and would obscure views of the terrace of houses behind it. The extension of the building to within 1m of the edge of the plot would create a cramped appearance and would reduce the openness on the corner, which contributed to the character of the area.

It is noted that planning permission has been granted for an attached house at this location which could still be implemented on site. However this application was determined prior to the adoption of the Council's current Local Plan which was adopted in January 2020. Furthermore this proposal differs significantly from the approved application in that the approved house is not as wide and is set further away from the site boundary retaining more openness than this scheme. The approved house is also set-back from the main front elevation of the house and thus appears as a subordinate structure to the host property.

The proposed dwelling would fail to harmonise with the predominant rear building line along Walnut Close. The existing flank wall to No. 22 Chestnut Close matches the front building line to properties to the rear. The proposed development would breach this building line and hence would not accord with the policy, as raised by the inspector previously when the application was dismissed in relation to the 2003 application. Given the inadequate gap, the proposal would appear cramped, failing to maintain an undeveloped gap which is typical in the area. The proposed development would also fail to respect the building lines within the street scene and as such result in a development out of character to the area. The previous appeal has raised that across the street, No 21 and No 21A have been developed in the same way. The design and access statement has also referred to this development, along with No. 23 across the street being developed to the side.

However, acknowledging this development the inspector has previously ruled that this is an unacceptable argument due to the fact that this development was allowed before the implementation of the SPD and that this development differs from that proposed for No. 22 Chestnut Close.

The design and access statement also raises the issue of No. 24 Chestnut Close has been extended to the side by way of a part two storey part single storey side/rear extension (Ref: 66635/APP/2017/4064). However, there are considerable differences between the proposal granted permission at No.24 and this current proposal in terms of its proximity to the side boundary, its, size, scale, bulk and design,such that any comparison is superfluous.

Furthermore, given the width of the development and the lack of set back from the front building line along with no set down from the main ridge the proposed development would fail to appear as a subordinate addition to the main dwelling.

In relation to the impact on the openness and character of the street scene and the area, in dismissing an appeal against the refusal of an application for the erection of new attached 2 storey house and single storey rear extension to existing house, which was an application was very similar to the current proposal, under Ref: 56122/APP/2003/2014 on 22 July 2004, the Inspector commented as follows:

"7. The appeal property is a semi-detached house in a street consisting mainly of similar dwellings. It is on the corner of Chestnut Close with Walnut Close and the proposal would add another house on the corner plot to the side of No. 22, so that No. 22 would then be in the middle of a terrace of 3 houses. The first house along Walnut Close from its junction with Chestnut Close are terraces of 4 dwellings on each side of the street. These are roughly in line with the sides of Nos. 22 and 24 Chestnut Close. They are near enough to those properties so that when viewed from Almond Close, the street opposite the appeal dwelling, the terraced houses can be clearly seen forming a line with the sides of Nos. 22 and 24 Chestnut Close. The addition of a new house to the side of No. 22 would breach the return building line.....It would obscure the view of the terrace of houses behind the appeal property and, as the terrace on the opposite side of Walnut Close would still be visible, the current balance an symmetry of this view would be impaired.

8. The extension of the building containing the apeeal dwelling to within about 1.5m of the edge of its plot would create a cramped appearance when seen from Chestnut Close and Almond Close opposite. The corner plot is not of exceptional width as the appellant has suggested and in my view, the proposal would not simply be a matter of infilling. It would reduce the openness on the corner of Chestnut Close and Walnut Close, which contributes to the character of the area. It would create an appearance of imbalance with No. 24, on the other corner which has no addition and still has space to its side. The cumulative effect of such additions if repeated at other locations in the vicinity, if repeated at other locations in the vicinity....would have a further harmful effect on the appearance of the locality."

Overall it is considered that the proposed house by reason of its siting in this open prominent position, it's size, scale, bulk , depth and width along with it's proximity to the site boundary and projection forward of the return building line along Walnut Close would result in the closing of an important gap. Furthermore the development due to it's lack of a set-back from the front elevation at all levels would fail to appear as a subordinate structure. Overall the house would be harmful to the character and appearance of the site, the streetscene and the wider area. The proposal is therefore contrary to Policies DMHB 11 and DMHB 12 of the Council's adopted Local Plan and the London Plan.

7.3 Traffic Impact/Pedestrian Safety

Policy DMT 1 of the Hillingdon Local Plan: Part 2 considers whether the traffic generated by proposed developments is acceptable in terms of the local highway and junction capacity, traffic flows and conditions of general highway or pedestrian safety. Policy DMT 6 of the Hillingdon Local Plan seeks to ensure that all development is in accordance with

the Council's adopted Car Parking Standards.

Two parking spaces would be provided to the rear of the site and the arrangements are similar to those considered acceptable under application ref:56122/APP/2018/3988. It is noted that the previously refused application was refused because of lack of parking for the host property. This submission includes two off-street parking spaces for the host property in accordance with the Council's standards.

To accord with the London Plan minimum standards, 2 secure and covered cycle parking spaces are required. This has not been demonstrated by the submitted plans. However in the event of an approvable scheme this could be secured by way of condition.

Overall the development would not lead to conditions prejudicial to pedestrian and highway safety.

7.4 Carparking & Layout

As above.

7.5 Urban Design, Access and Security Considerations

The Housing Standards (Minor Alterations to the London Plan) March 2016 sets out the minimum internal floor spaces required for developments in order to ensure that there is an adequate level of amenity for existing and future occupants.

The proposed house would have an internal floor area of over 90sq.m as such it would comply with London Plan standards. Furthermore all of the proposed habitable rooms would be afforded an adequate level of light and outlook.

The Council's Local Plan (2020) policy DMHB 18 states that new residential developments should provide an adequate level of private amenity space for occupiers that is good quality and usable. The amount of garden space proposed for the new dwelling would be 60sq.m and retained for the host property would be 80sq.m in compliance with the Council's standards.

7.6 Other Issues

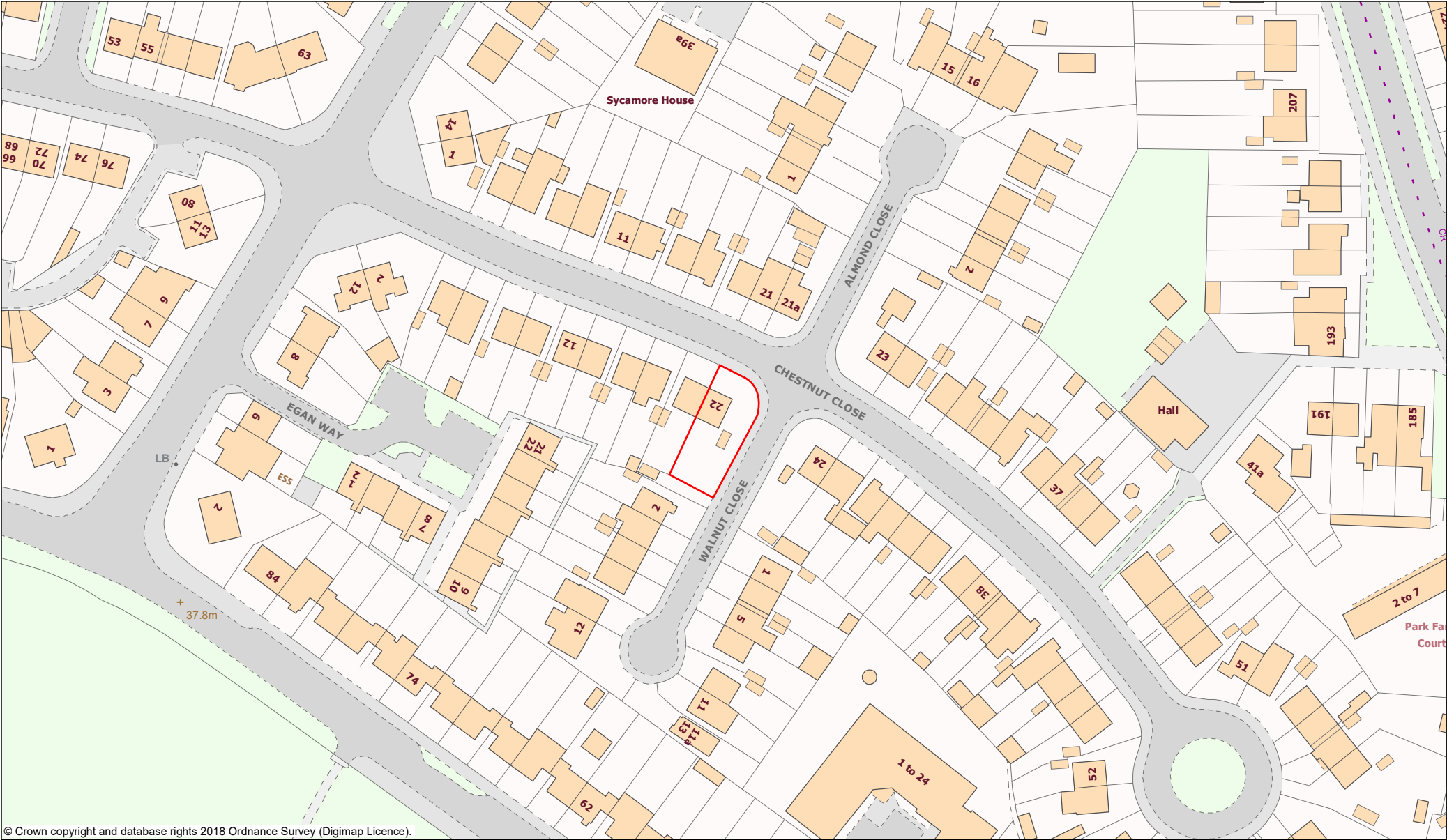
The Council adopted its own Community Infrastructure Levy (CIL) on August 1st 2014 and the Hillingdon CIL charge for residential developments is £95 per square metre of additional floorspace. This is in addition to the Mayoral CIL charge of £35 per sq metre.

8. Reference Documents

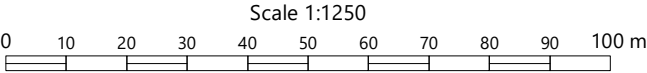
Hillingdon Local Plan: Part One - Strategic Policies (November 2012)
Hillingdon Local Plan: Part Two - Development Management Policies (January 2020)
The London Plan (2016)
The Housing Standards Minor Alterations to The London Plan (March 2016)
Mayor of London's adopted Supplementary Planning Guidance - Housing (March 2016)
Technical Housing Standards - Nationally Described Space Standard
Hillingdon Design and Accessibility Statement: Accessible Hillingdon
National Planning Policy Framework

Contact Officer: Kelly Sweeney

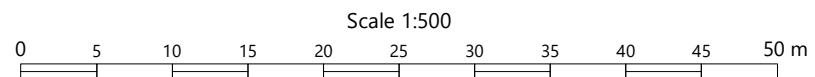
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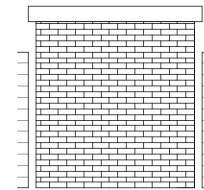
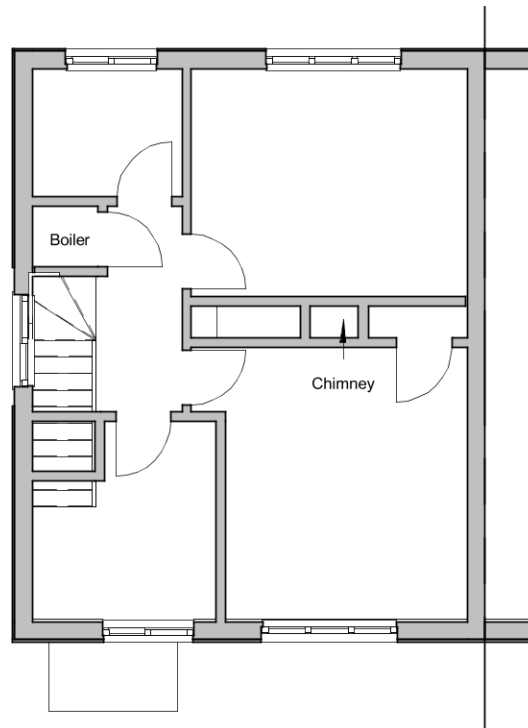
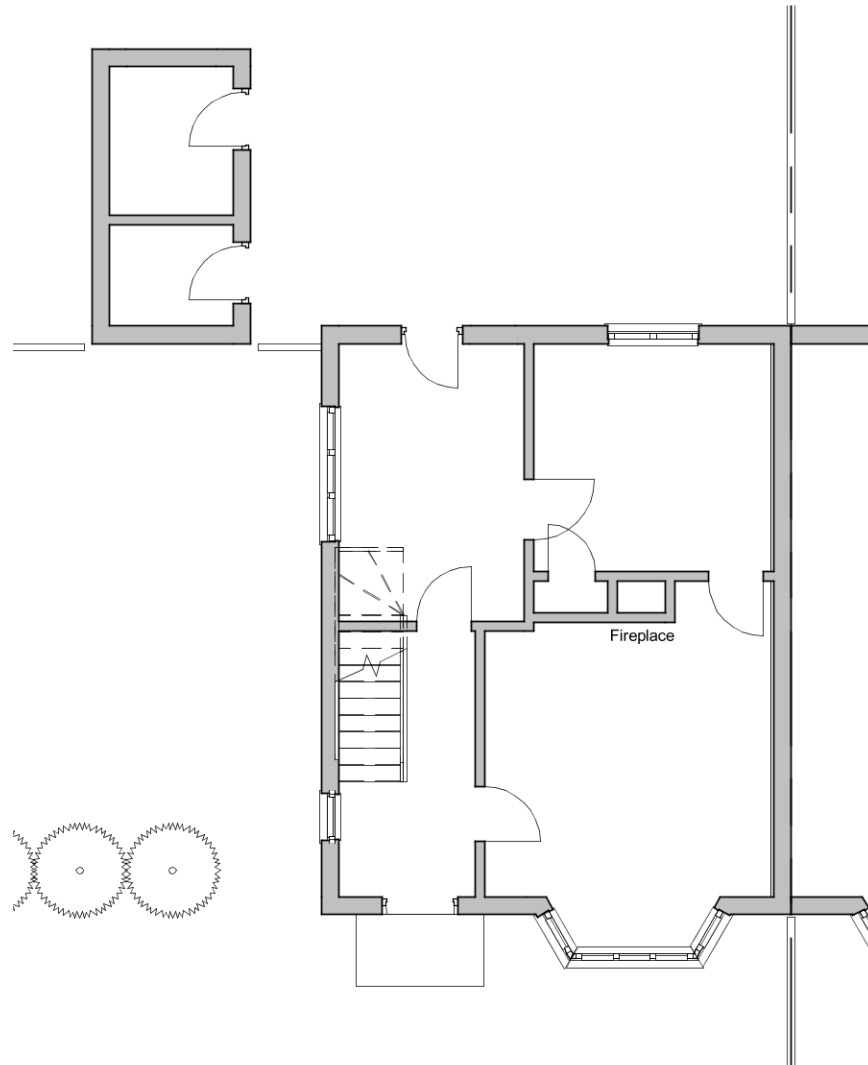


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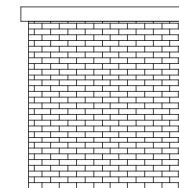


Projection: British National Grid

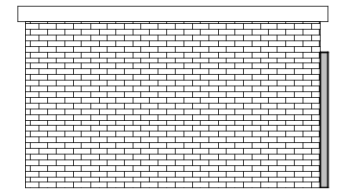
Apr 18, 2018 17:30



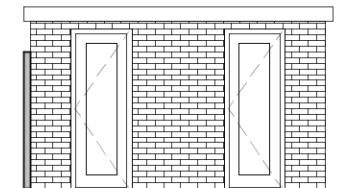
6 **Garage Front**
1 : 100



8 **Garage Rear**
1 : 100

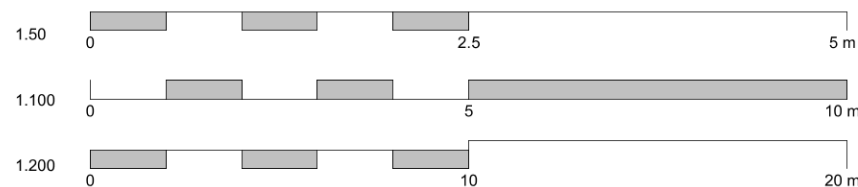


7 **Garage Left**
1 : 100



9 **Garage Right**
1 : 100

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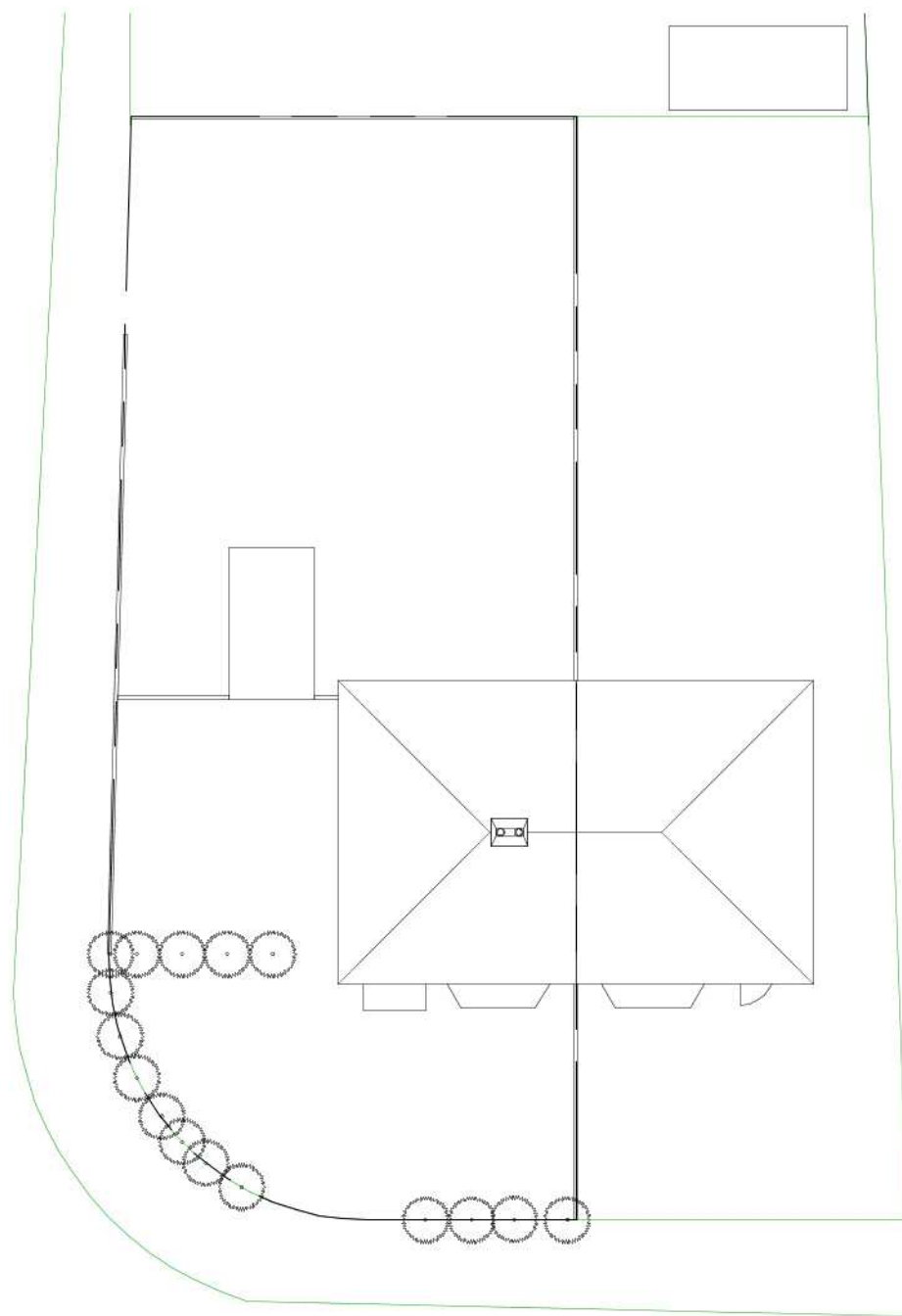
Land Adjacent to 22 Chestnut Close

Existing - Elevations and floorplans

A101

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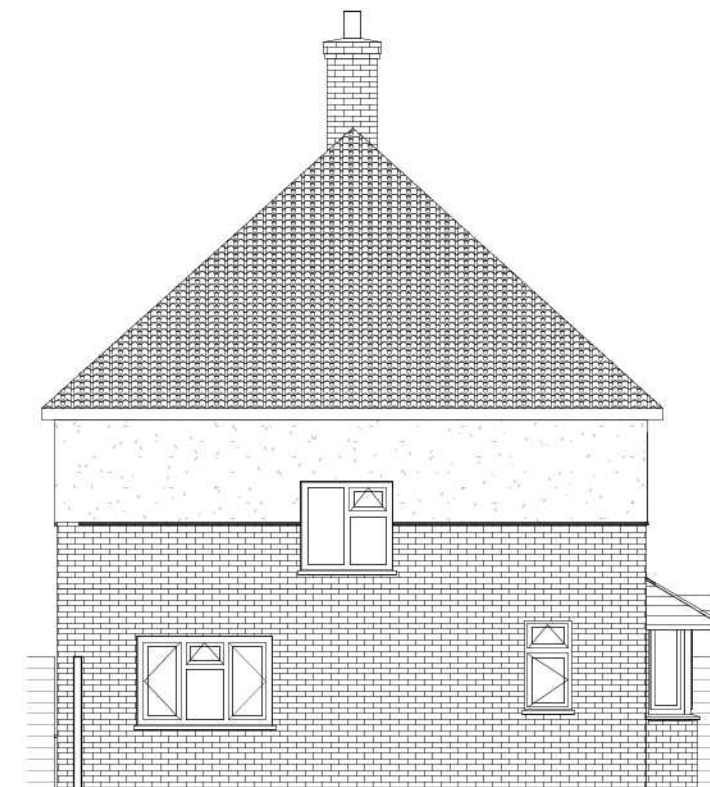
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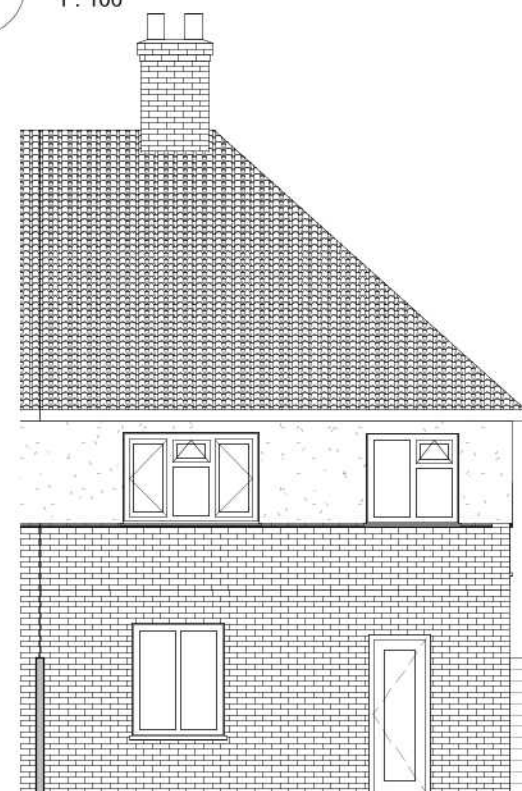
1 Site
1 : 200



2 Front Elevation
1 : 100

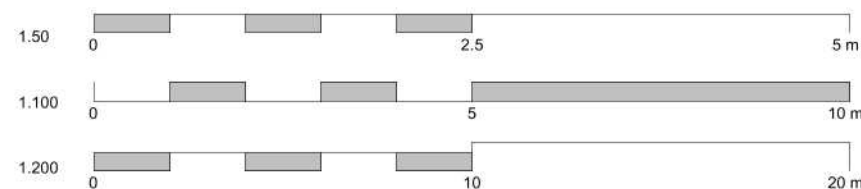


3 Left Elevation
1 : 100



4 Rear Elevation
1 : 100

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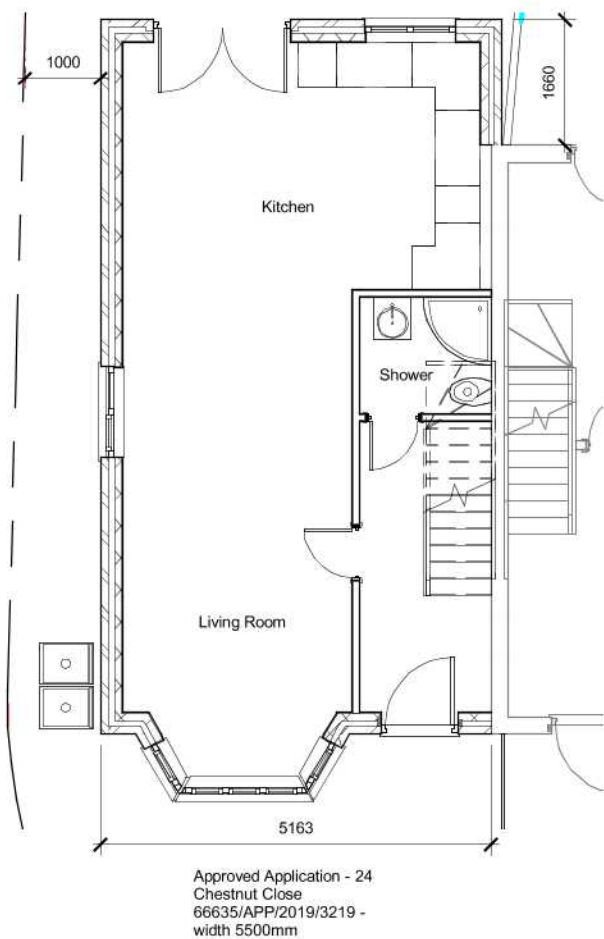
Land Adjacent to 22 Chestnut Close

Existing - Site plan and Elevations

A102

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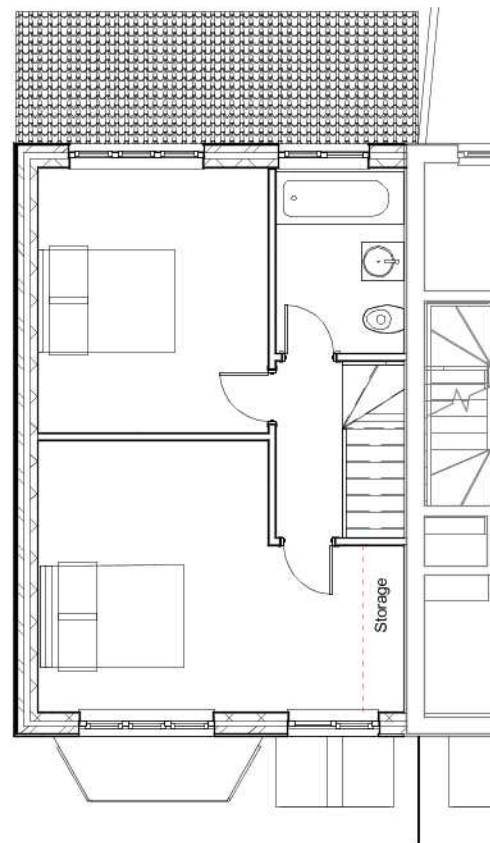
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1

Ground Floor

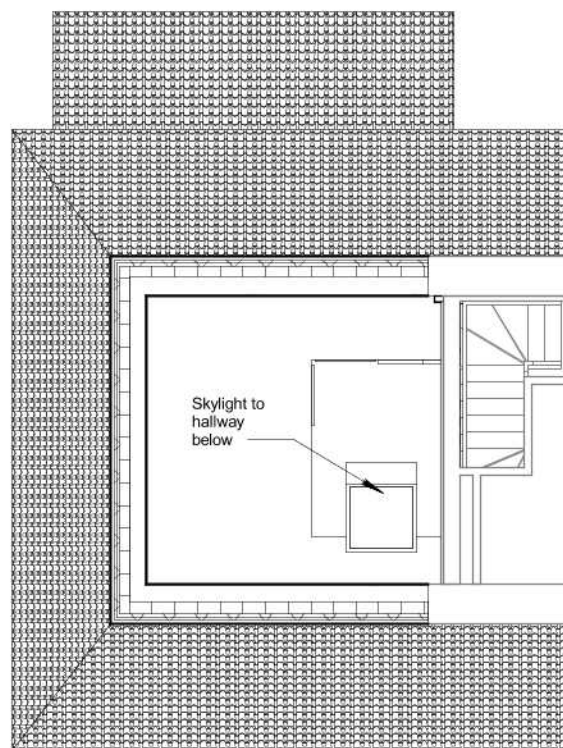
1 : 100



2

First Floor

1 : 100

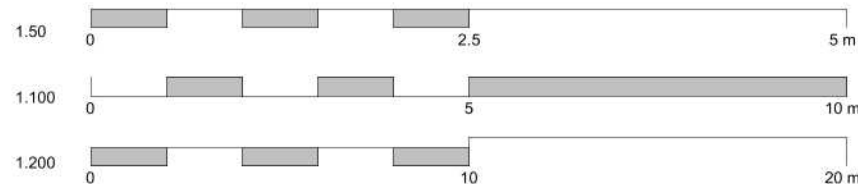


3

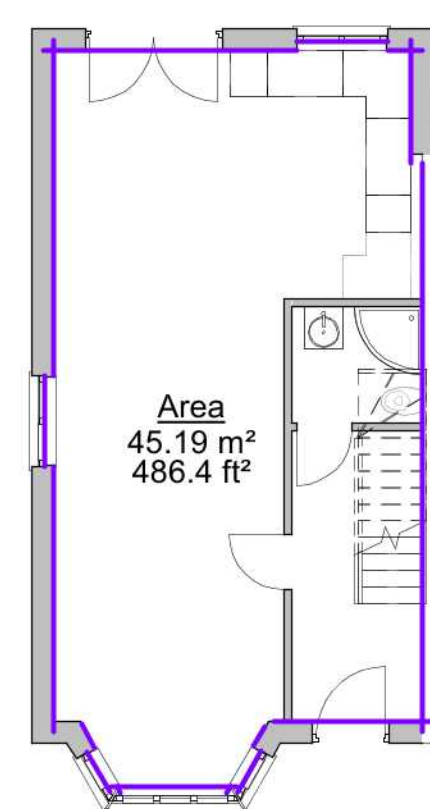
Second Floor

1 : 100

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4

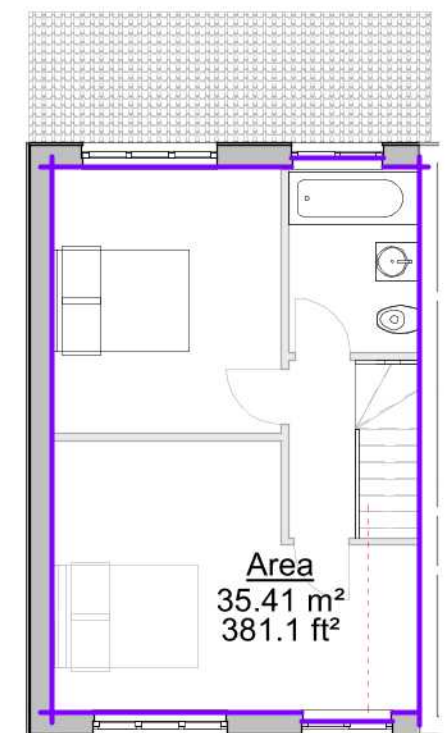
Ground Area

1 : 100

2B4P = 79m²

80.06m²

Internal Area



5

First Area

1 : 100

Gurdeep

Land Adjacent to 22 Chestnut Close

Proposed - Floorplans

A105

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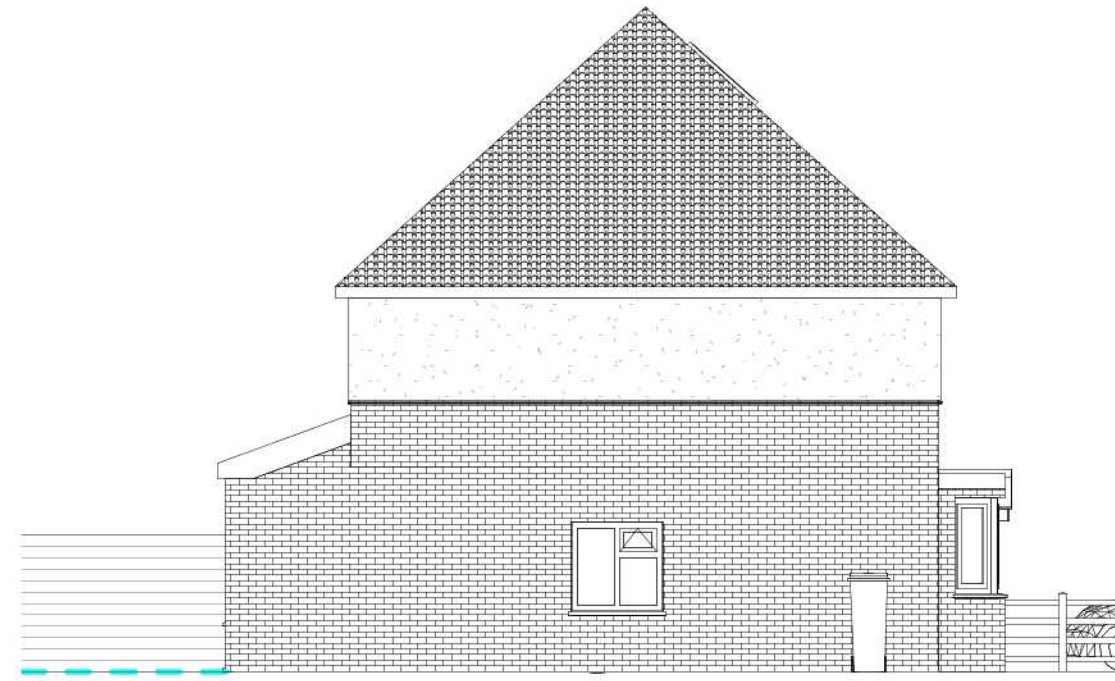
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1

Front Elevation

1 : 100



2

Left Elevation

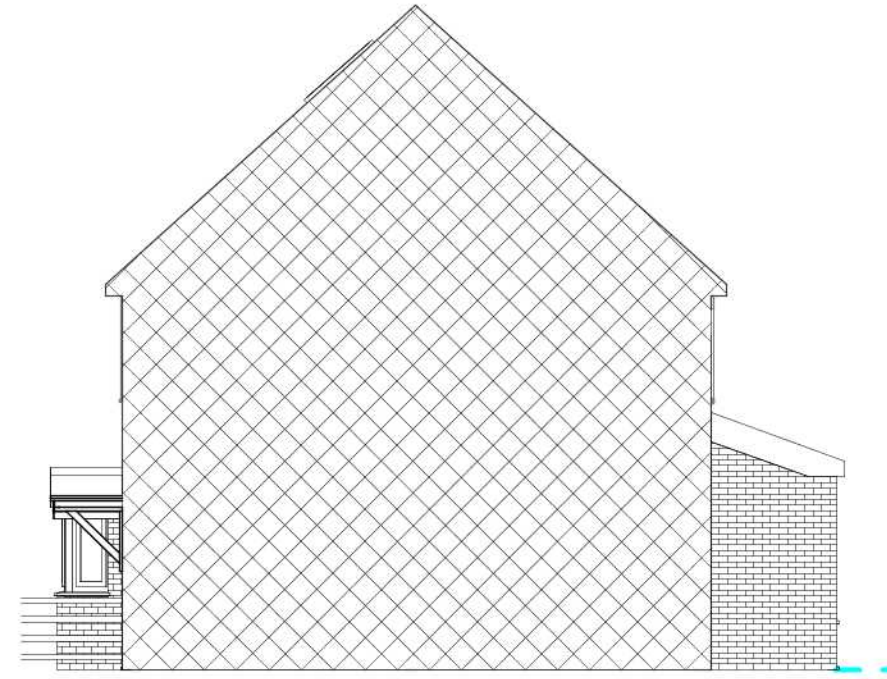
1 : 100



3

Rear Elevation

1 : 100

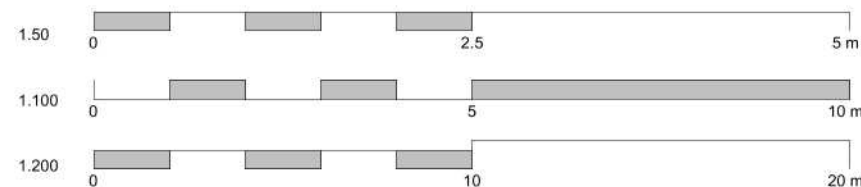


4

Right Elevation

1 : 100

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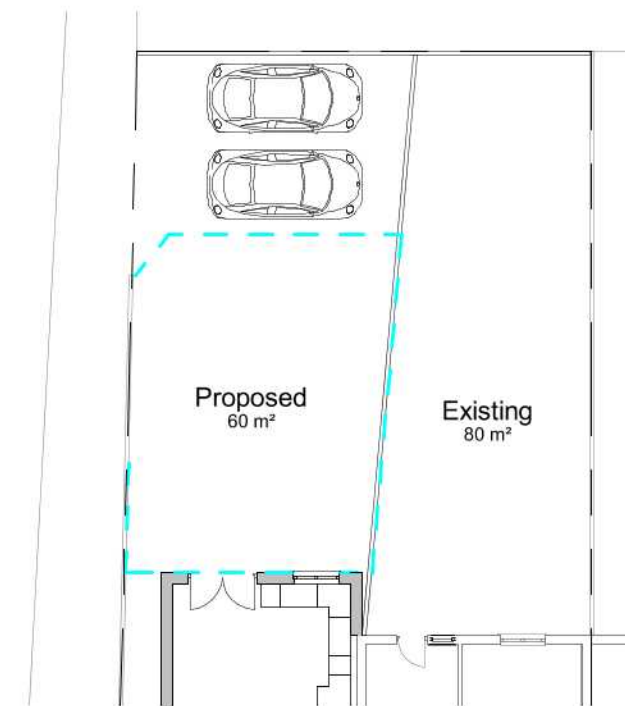
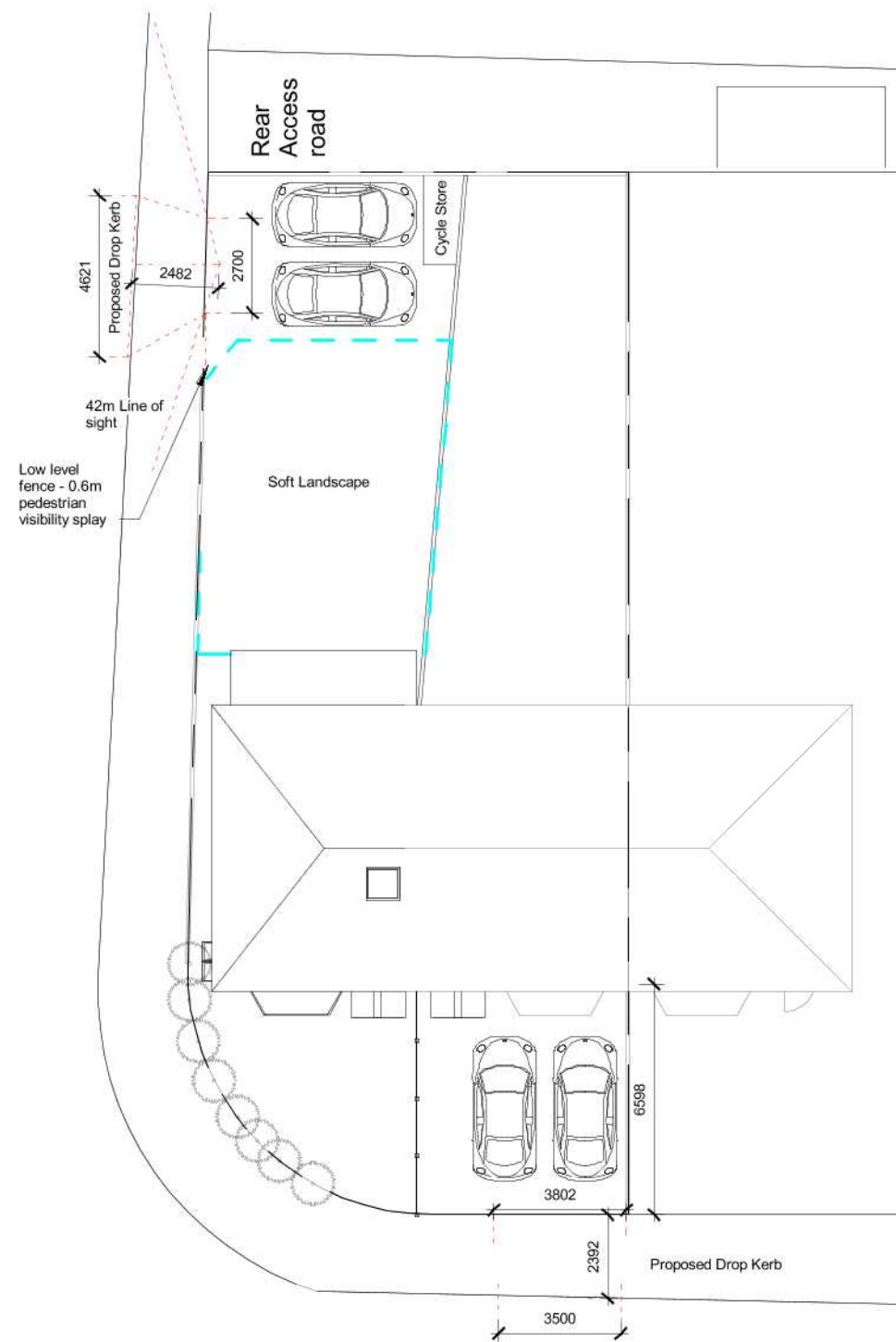
Land Adjacent to 22 Chestnut Close

Proposed - Elevations

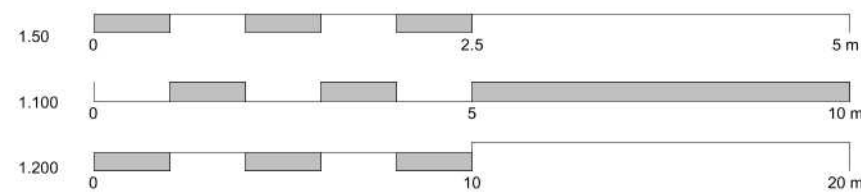
A106

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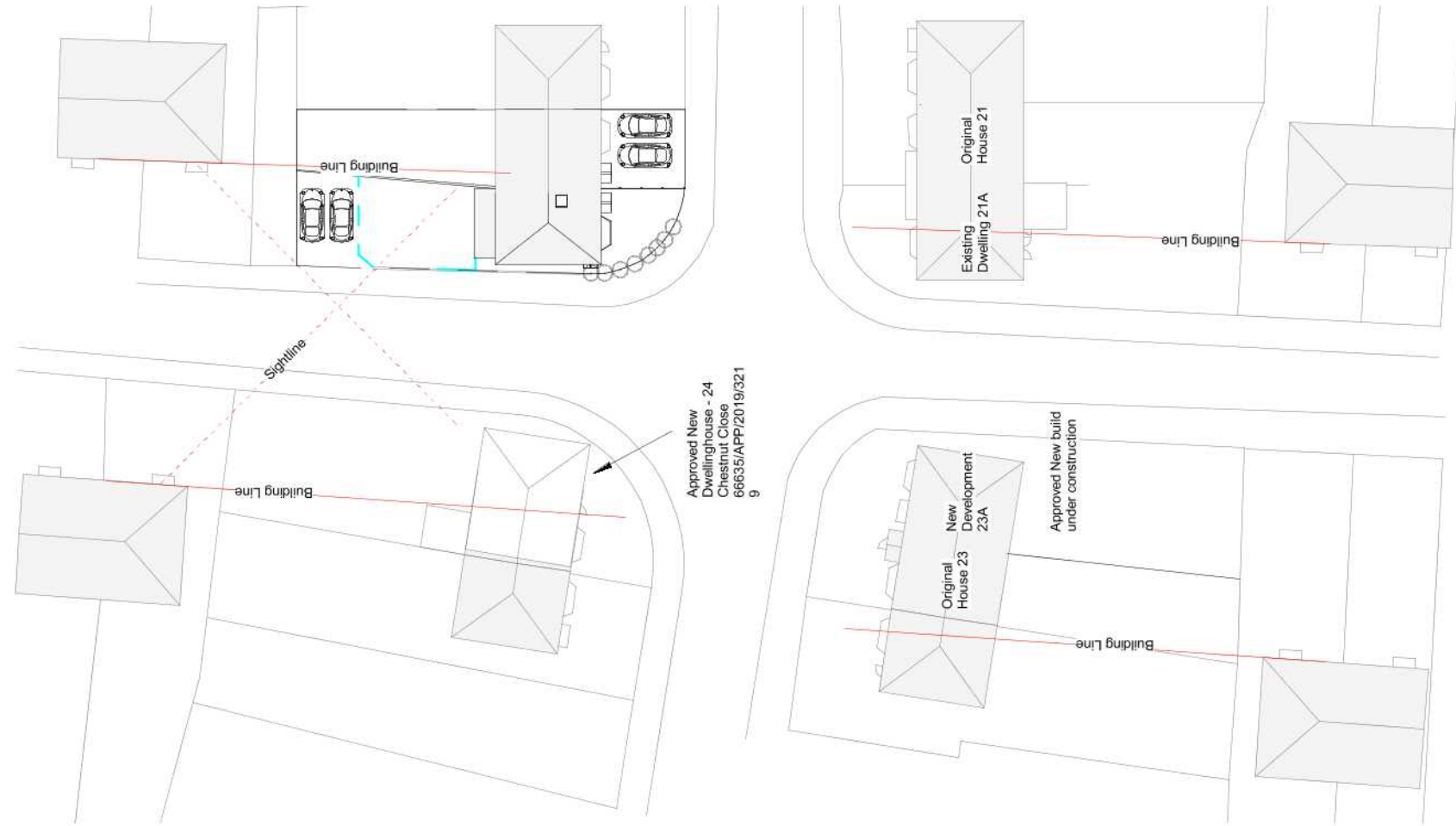
Land Adjacent to 22 Chestnut Close

Proposed - Site plan

A107

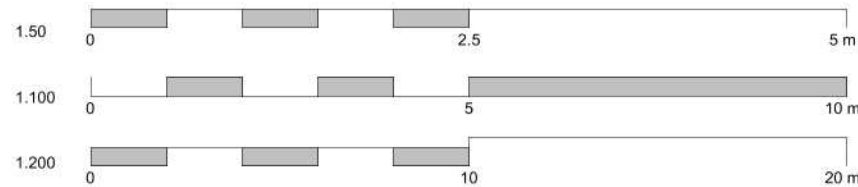
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1 Sight/Building Line
1 : 500

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Gurdeep

Land Adjacent to 22 Chestnut Close

Proposed Sight/Building Lines

A109

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