



WRITTEN REPRESENTATIONS: APPEAL STATEMENT

BY:

Mr J Singh

FOLLOWING THE REFUSAL OF PLANNING PERMISSON BY:

London Borough of Hillingdon Council

REF:

31005/APP/2024/1086

FOR:

Construction of two storey attached dwelling on land at no. 84 East Road

AT:

84 East Road, West Drayton, UB7 9HA

August 2024

1.0 INTRODUCTION

1.1 This appeal relates to the refusal of planning permission for the ‘*Construction of two storey attached dwelling on land at no. 84 East Road*’ in West Drayton.

1.2 The planning application was dated 25th April 2024 and was subsequently refused on 16th July 2024 by The London Borough of Hillingdon Council, with the decision notice stating the following reason for refusal, as noted below:

1. *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 By way of background to the site the following planning history is relevant:

Application ref 31005/APP/2020/3975: Erection of a two storey, 2-bed dwelling house with associated parking and amenity space. Refused 27th May 2021.

Appeal ref APP/R5510/W/21/3277296: following refused of application 31005/APP/2020/3975 was dismissed on 1st March 2022 (Details attached in **Appendix A**)

1.4 Taking into account the abovementioned application/appeal decisions, the scheme has been duly altered to ensure that it respected the character and appearance of the host property and surrounding area whilst also addressing highway concerns.

1.5 In addition, during the course of this application and following comments from the case officer the appellant put forward revised plans for consideration on which the decision was based. However, as the council have still refused the proposal the appellant considers that it is appropriate to appeal in this instance.

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. 84 East Road

- 2.1 No. 84 comprises an end of terrace dwelling which is on a large wedge-shaped plot due to its location on a bed in the road. The garden of no. 84 has already been subdivided to create a plot for a proposed new dwelling.

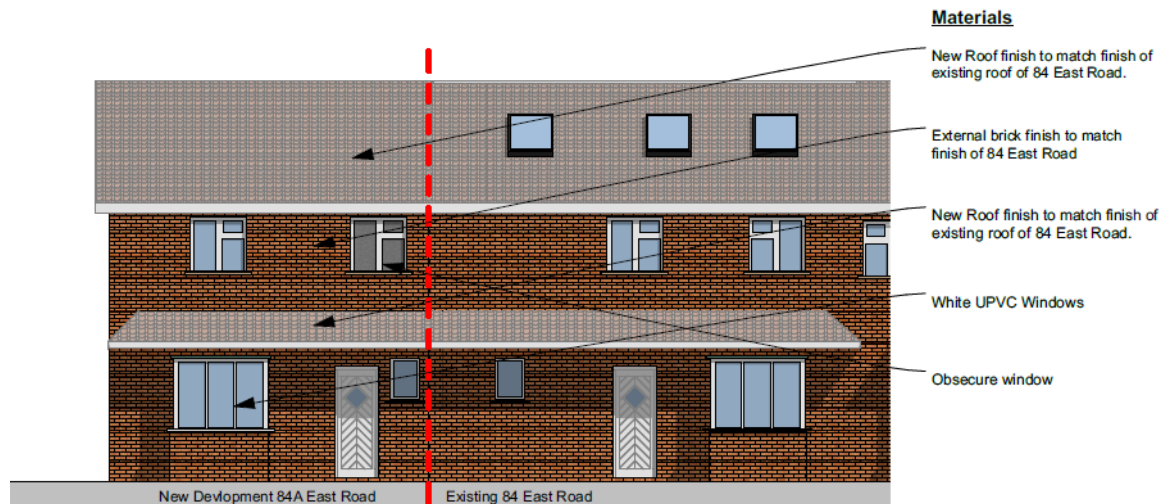


Aerial view of appeal site and surrounding location © Google 2024

- 2.2 The appeal dwelling is positioned to the southern side of East Road within a predominantly residential setting. The site is not within a conservation area or the curtilage of a listed building although it is within a Critical Drainage Area.

3.0 PROPOSAL

- 3.1 The proposed scheme sought planning permission for the '*Construction of two storey attached dwelling on land at no. 84 East Road*'.



Proposed front elevation of new and existing dwelling at 84 East Road

- 3.2 To facilitate the development an existing side extension and garage would be demolished, a new plot of 525sqm would be created and 2m high close boarded fence installed.
- 3.3 The proposed dwelling would measure 5.9m wide x 12.285m deep at ground level and 5.9m wide x 6.282m deep at first floor level. The front corner of the property would be positioned 1.831m from the side boundary which increases to 8.93m at the rear corner of the dwelling.
- 3.4 The proposed dwelling would follow the eaves and ridge line of the host terrace having a dual pitch roof form with gable end. The single storey element to the rear would have a maximum flat roof height of 2.95m.
- 3.5 The development would create a 2-bedroom/3-person dwelling with a GIA of 94sqm and a private outdoor amenity space of 416sqm.
- 3.6 The living accommodation would comprise an entrance hall with storage, living room, kitchen/diner, WC to the ground floor with a double bedroom, single bedroom, family bathroom and storage cupboard to the first floor.
- 3.7 Bin and cycle storage would be provided to the side of the property behind a proposed gated entrance.
- 3.8 To the front of the site, 1 car parking space would be allocated for the new dwelling which would have an EV charging point. Permeable block paving would be installed, and the existing dropped kerb utilised. A new 0.5m high brick wall would be constructed.

4.0 RELEVANT PLANNING POLICY

- 4.1 The reason for refusal refers 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).

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.

Delivering a sufficient supply of homes

- 4.5 Section 5 states *"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 D3, D4, D6 and D8 were referred to within the given reason for refusal.

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

- 4.9 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 D4: Delivering good design

- 4.10 For residential development it is particularly important to scrutinise the qualitative aspects of the development design described in Policy D6 Housing quality and standards. The higher the density of a development the greater this scrutiny should be

of the proposed built form, massing, site layout, external spaces, internal design and ongoing management.

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.

Policy D8: Public realm

- 4.12 The quality of the public realm has a significant influence on quality of life because it affects people's sense of place, security and belonging, as well as having an influence on a range of health and social factors. For this reason, the public realm, and the buildings that frame those spaces, should be attractive, accessible, designed for people and contribute to the highest possible standards of comfort, good acoustic design, security and ease of movement. Higher levels of comfort should be sought in places where people will wish to sit, play, relax, meet, and dwell outside compared to other parts of the public realm that are primarily used for movement. As London's population grows, the demands on London's public realm to accommodate a greater variety and intensity of uses will increase. It is particularly important to recognise these demands in higher density development.

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

- 4.13 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 is considered relevant.

Policy BE1: Built Environment

- 4.14 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.

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

- 4.15 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. The new Local Plan Part 2 replaces the Local Plan Part 2 Saved UDP Policies (2012). Policies DMH 6, DMHB 11, DMHB 12 and DMHB 14 were referred to within the given reason for refusal.

Policy DMH 6: Garden and Backland Development

- 4.16 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

4.17 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

4.18 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.

Policy DMHB 14: Trees and Landscaping

- 4.19 A) All developments will be expected to retain or enhance existing landscaping, trees, biodiversity or other natural features of merit.
- B) Development proposals will be required to provide a landscape scheme that includes hard and soft landscaping appropriate to the character of the area, which supports and enhances biodiversity and amenity particularly in areas deficient in green infrastructure.
- C) Where space for ground level planting is limited, such as high rise buildings, the inclusion of living walls and roofs will be expected where feasible.
- D) Planning applications for proposals that would affect existing trees will be required to provide an accurate tree survey showing the location, height, spread and species of trees. Where the tree survey identifies trees of merit, tree root protection areas and an arboricultural method statement will be required to show how the trees will be protected. Where trees are to be removed, proposals for replanting of new trees on-site must be provided or include contributions to offsite provision.

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 proposal by reason of its siting in this corner position, size, scale, bulk, width, height, design, proximity to the side boundary and paving would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance; and,
- b. Whether 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.

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

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

Principle of development

5.3 In accordance with the National Planning Policy Framework the council is committed to the supply of new dwellings and sets out ways in which this can be achieved.

5.4 Section 11 of the NPPF has regard to 'Making effective use of land' and 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"*.

5.5 The Secretary of State's written ministerial statement entitled *"Building the homes we need"* sets out:

"The Government has today set out the first major steps in its plan to build the homes this country needs.

Our manifesto was clear: sustained economic growth is the only route to improving the prosperity of our country and the living standards of working people. Our approach to delivering this growth will focus on three pillars; stability, investment and reform. But this growth must also be generated for everyone, everywhere across the country – and so nowhere is decisive reform needed more urgently than in housing.

We are in the middle of the most acute housing crisis in living memory. Home ownership is out of reach for too many; the shortage of houses drives high rents; and too many are left without access to a safe and secure home.

That is why today I have set out reforms to fix the foundations of our housing and planning system – taking the tough choices needed to improve affordability, turbocharge growth and build the 1.5 million homes we have committed to deliver over the next five years.”

- 5.6 The “Proposed reforms to the NPPF and other changes to the planning system” and the “National Planning Policy Framework: draft text for consultation” set out that they are seeking views on reversing changes made to the NPPF by the previous Government in December 2023 as those changes run counter to this Government’s ambitions on increasing housing supply, so they state it is important that they quickly reverse them and allow local planning authorities to get on and plan for growth. The Government considers that the changes proposed make clearer the importance of planning to meet housing needs.
- 5.7 The draft NPPF also sets out that brownfield land must be the first port of call, making it clear that the principle of development should not be in question on brownfield land. In this instance whilst forming part of the garden of an existing dwelling the proposal would remove an existing side extension and garage to facilitate the creation of a new dwelling.
- 5.8 The London Plan 2021 further supports the essential need for more homes and currently has a target set for the delivery of 1,083 new dwellings per year for the Hillingdon Borough of which 295 should be net housing completions on small sites (below 0.25 hectares in size).
- 5.9 The draft NPPF consultation recognises that small and medium sized builders are essential to meeting housing expectations and supporting local economies. The consultation is currently considering strengthening the small site policy through the NPPF, and in particular, whether the 10% small site allocation should be required in all cases.
- 5.10 The precursor to London Plan policy GG2 (making the best use of land) states in the following relevant paragraphs:
- 1.2.1 *London’s population is set to grow from 8.9 million today to around 10.8 million by 2041. As it does so, employment is expected to increase on average by 49,000 jobs each year, reaching 6.9 million over the same period. This rapid growth will bring many opportunities, but it will also lead to increasing and competing pressures on the use of space. To accommodate growth while protecting the Green Belt, and for this growth to happen in a*

way that improves the lives of existing and new Londoners, this Plan proposes more efficient uses of the city's land.

1.2.2 The key to achieving this will be taking a rounded approach to the way neighbourhoods operate, making them work not only more space-efficiently but also better for the people who use them. This will mean creating places of higher density in appropriate locations to get more out of limited land, encouraging a mix of land uses, and co-locating different uses to provide communities with a wider range of services and amenities.

1.2.5 All options for using the city's land more effectively will need to be explored as London's growth continues, including the redevelopment of brownfield sites and the intensification of existing places, including in outer London. New and enhanced transport links will play an important role in allowing this to happen, unlocking homes and jobs growth in new areas and ensuring that new developments are not planned around car use.

1.2.8 Making the best use of land will allow the city to grow in a way that works for everyone. It will allow more high-quality homes and workspaces to be developed as London grows, while supporting local communities and creating new ones that can flourish in the future.

5.11 Criterion C of policy GG2 states that LPAs should proactively explore the potential to intensify the use of land to support additional homes and workspaces.

5.12 The council's decision has referred to policy DMH 6 (Garden and Backland Development) which states that there is 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.

5.13 The proposed development would, following the removal of the existing side extension and detached garage, constitute the creation of one additional 2-bedroom residential

unit. Its limited scale and position on land to the side of the property, which would not significantly reduce the amount of garden available, would amount to an exceptional case which would achieve the aims of policy DMH 6.

5.14 Taking the above information into account it is evident that the proposed development would meet the aims of the new Government which seeks to provide new housing which would also comply with Hillingdon Local Plan: Part Two policy DMH 2 (Housing mix) which states that the council will require the provision of a mix of housing units of different sizes in schemes of residential development to reflect the council's latest information on housing need.

5.15 The following paragraphs will therefore seek to demonstrate that the development accords with other policies and proposals within national, regional and local planning policy in order to establish that a new dwelling in this location would be appropriate.

Planning history

5.16 The appellant acknowledges the planning history of the site but considers that the council have placed too much emphasis on the previous decisions when assessing the current proposal, thus, failing to take into account the positive changes which have been implemented.

5.17 As highlighted earlier the following planning history is relevant:

Application ref 31005/APP/2020/3975: Erection of a two storey, 2-bed dwelling house with associated parking and amenity space. Refused 27th May 2021 for the following reasons:

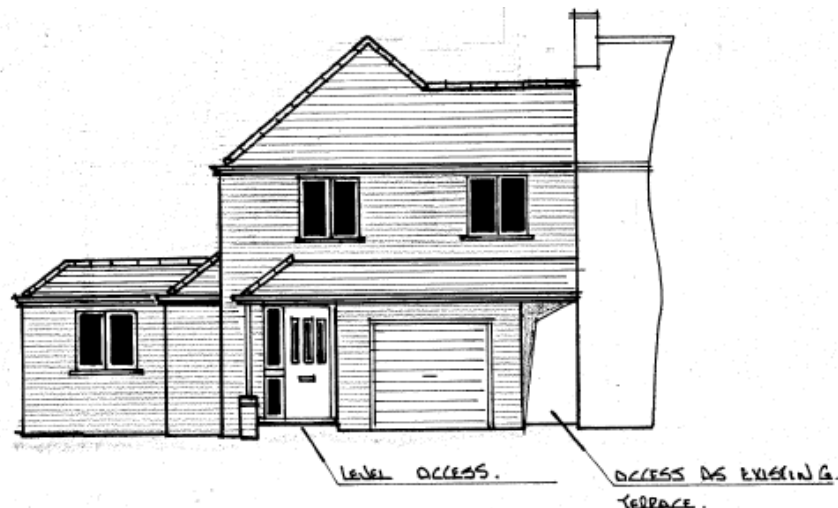
1. *The proposal by reason of its siting in this prominent corner position, size, scale, bulk, width and proximity to the side boundary would result in the loss of an important gap characteristic to the area, resulting in a cramped appearance. The proposal would therefore represent an overdevelopment 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 DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D3, D4, D6 and D8 of the London Plan (2021).*
2. *The proposed dwelling, by virtue of its size, scale, bulk, width and design, including the hipped roof, would represent a discordant and incongruous addition which would fail to harmonise with the established character and appearance of development within the*

immediate locality to the detriment of the character, appearance and visual amenities of the street scene and the wider area. Therefore the proposal is contrary to Policy BE1 of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 and DMHB 12 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D3, D4, D6 and D8 of the London Plan (2021).

3. *The proposal has not demonstrated a satisfactory policy-led approach to the provision of car and cycle parking that would result in sufficient off street parking/manoeuvring arrangements being provided, and therefore the development is considered to result in substandard car parking provision, leading to on-street parking/queuing to the detriment of public and highway safety and contrary to policies DMT 2 and DMT 6 of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and to Hillingdon's Adopted Parking Standards as set out in Appendix C of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020).*

Appeal ref APP/R5510/W/21/3277296: following refused of application 31005/APP/2020/3975 was dismissed on 1st March 2022 was subsequently dismissed due to character impacts and inadequate parking provision (Details attached in **Appendix A**).

- 5.18 In the abovementioned development the scheme, submitted by a different party, also proposed an attached dwelling. However, as shown in the following plan excerpts this scheme did not respect the layout, proportions or design of the host terrace and, as such, it is considered that both the council and Inspector's decisions to refuse on the basis of its design were well-founded.

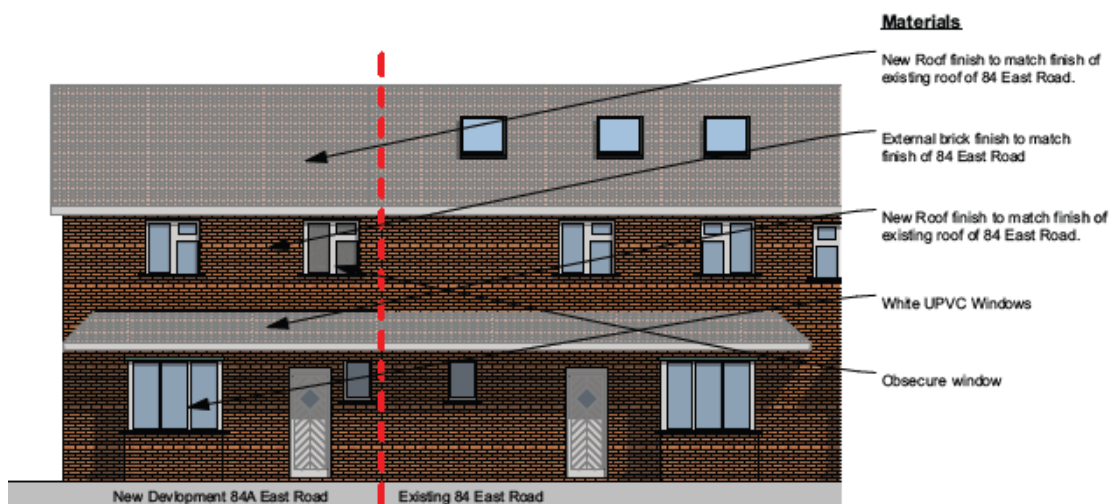


Previous scheme (Proposed front elevation) – Appeal decision dismissed

5.19 Therefore, although the previously refused development was assessed against the same Local Plan policy the current scheme has been transformed to ensure that it would achieve the aims of policy BE1 (Built Environment) of the Hillingdon Local Plan: Part One - Strategic Policies (November 2012), Policies DMHB 11 (Design of New Development) and DMHB 12 (Streets and public realm) of the Hillingdon Local Plan: Part Two - Development Management Policies (January 2020) and Policies D3 (Optimising site capacity through the design-led approach), D4 (Delivering good design), D6 (Housing quality and standards) and D8 (Public realm) of the London Plan (2021); as well as policies DMH 6 (Garden and Backland Development) and DMHB 14 (Trees and Landscaping) which have now also been referenced within the latest decision.

5.20 Alterations to the design from the previous appeal proposal include:

- Reduction in overall width of the dwelling from 11m to 5.9m
- Increasing the gap to the side boundary from 0.9m to 1.831m at the front corner of the dwelling
- Increasing the gap to the side boundary from 3.5m to 8.93m at the rear corner of the dwelling
- Respecting the existing front and rear building lines of the host terrace
- Introduction of a gable end design to respect the design of the host terrace
- Maintaining the same eaves and ridgeline of the host terrace
- Following the same window and door style, design and pattern
- Provision of 1x off-street parking space with EV charging point, cycle and waste storage



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- 5.21 The changes to the design in comparison to the previously refused scheme have clearly overcome earlier concerns and therefore, the following paragraphs will demonstrate that the development does, in fact, comply with the aims of national, regional and local planning policy.

Design, character and impact on the street scene

- 5.22 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.”*
- 5.23 Paragraph 135 of the NPPF (2023) requires Local Planning Authorities to ensure that developments 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; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping and 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).
- 5.24 London Plan policies D3 (Optimising site capacity through the design-led approach), D4 (Delivering good design) and D8 (Public realm) expect development to achieve high standards and understand the existing character and context of an area.
- 5.25 Local Plan policy BE1 (Built environment), DMHB 11 (Design of new development) and DMHB 12 (Streets and public realm) seek 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.
- 5.26 The council refused the development citing that by reason of its siting on a *“prominent”* corner position, size, scale, bulk, width, height, design and proximity to the side boundary and significant paving it would result in the loss of an important gap characteristic to the area, resulting in what the council consider to be a cramped appearance.
- 5.27 During the application process the case officer referenced policy DMH 6 (Garden and Backland Development) stating that this requires at criteria iii) *“development on backland sites must be more intimate in mass and scale and lower than frontage properties”*.
- 5.28 However, in this instance whilst the proposal could be considered a garden development it is **not** a backland development and therefore, should not be required to adopt a more intimate mass and scale or be lower than frontage properties.
- 5.29 Furthermore, the development is not an extension to an existing dwelling but proposes the creation of a new self-contained dwelling and therefore, the proposal should also not have to appear subordinate to the host building.

5.30 To corroborate this information the appellant put forward to the Planning Officer appeal decision 3269311 at 22 Chestnut Close, Hayes, UB3 1JF dated 9th July 2021 (Details attached in **Appendix B**). In this case the council refused application 60992/APP/202/3354 for the ‘*Erection of a two storey, 2 bed dwelling including habitable roofspace with associated parking and amenity space*’ on 4th February 2021. The main issue was the effect of the proposed development on the character and appearance of the building and surrounding area, in particular the council considered that it would close an important gap characteristic to the area, resulting in a cramped form of development.

5.31 The Inspector on appeal 3269311 stated “***I have seen no evidence to suggest this open gap is a particular characteristic of the area***”. Regarding the site of no. 84 East Road the appellant would reiterate this remark as the open gap between nos. 84 and 86 is not particularly characteristic of the street scene.

5.32 Furthermore, appeal 3269311 states at paragraph 10 (our emphasis):

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

5.33 Following the submission of the abovementioned appeal details to the Planning Officer they responded on 2nd July 2024 (Full copy attached in **Appendix C**):

“The character and appearance of the area is made up of dwellings with spacious gaps between blocks. The proposed development would close a very prominent gap between numbers 84 and 86 East Road. This was mentioned within the inspectors comments within appeal ref. APP/R5510/W/21/3277296 for a new dwelling at the site.

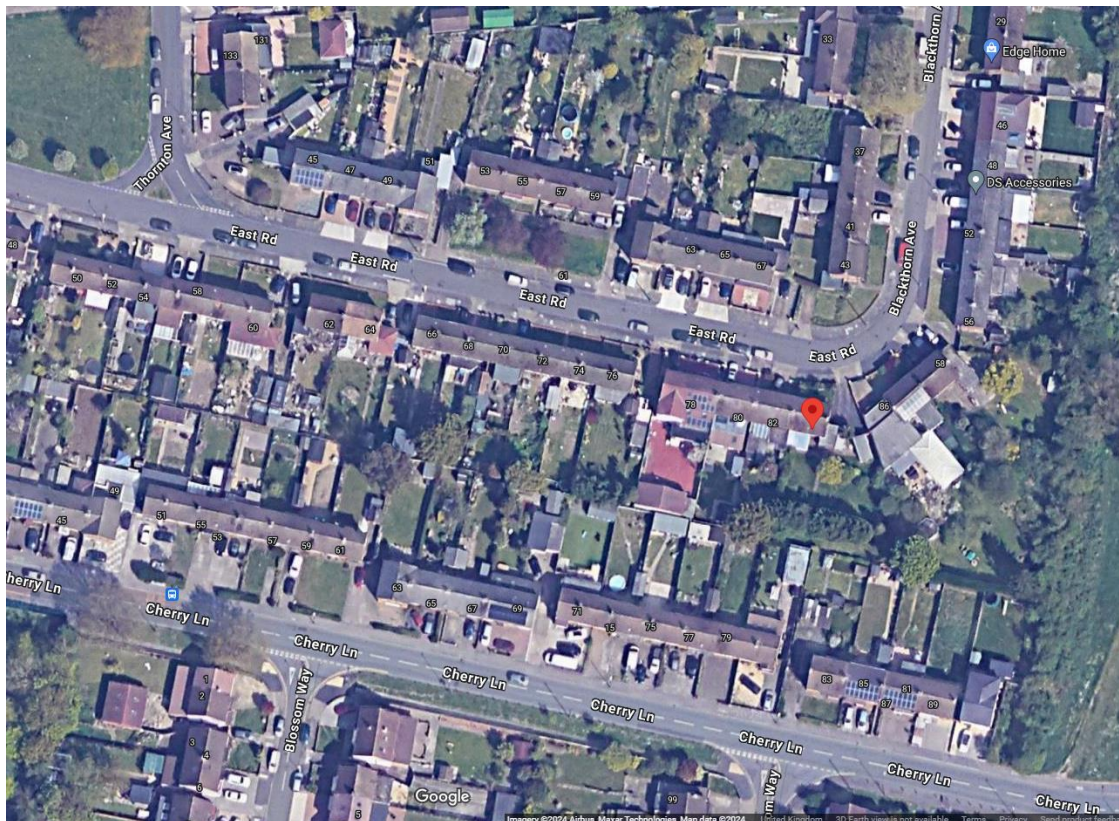
The new dwelling due to its design would make the already long row of terraces appear longer. It is noted that no. 78 East Road benefits from a two storey side extension. However, this has not been built in accordance to the approved plans which indicate that the extension should have been set down from the main ridge to break up the front elevation of the row of terraces, therefore we would not consider this as a precedent.”

5.34 Regarding the comments above from the Planning Officer, no. 84 forms part of a row of 4 terrace properties including nos. 78, 80 and 82. The host terrace group is

positioned to the east of a row of 6 terrace dwellings nos. 66 to 76 (even) and there are other longer terrace rows within the street scene. There are also longer terrace rows upon Cherry Lane which is situated to the south of the appeal site. As such, the construction of a new dwelling adjacent to no. 84 creating a terrace row of 5 dwellings would not appear out of character and therefore, the council's comments in this regard are unjustified.



Google Street View showing host and neighbouring terrace groups



© Google 2024 aerial image – appeal site highlighted

- 5.35 As required by policy DMHB 11 (Design of new development) the appeal proposal in terms of its size, scale, bulk, width, height, design and proximity to the side boundary would entirely harmonise with the local context maintaining the streetscape rhythm.
- 5.36 Whilst the proposal would reduce the existing gap between nos. 84 and 86 East Road this would not be harmful to the public realm, nor would it be detrimental to the visual amenities of the street scape.
- 5.37 A noticeable gap would still be retained between the dwellings to ensure that the proposal would not result in the loss of a characteristic part of the street scene. The following Google Street View image and proposed 3D render highlight that the difference would be acceptable.

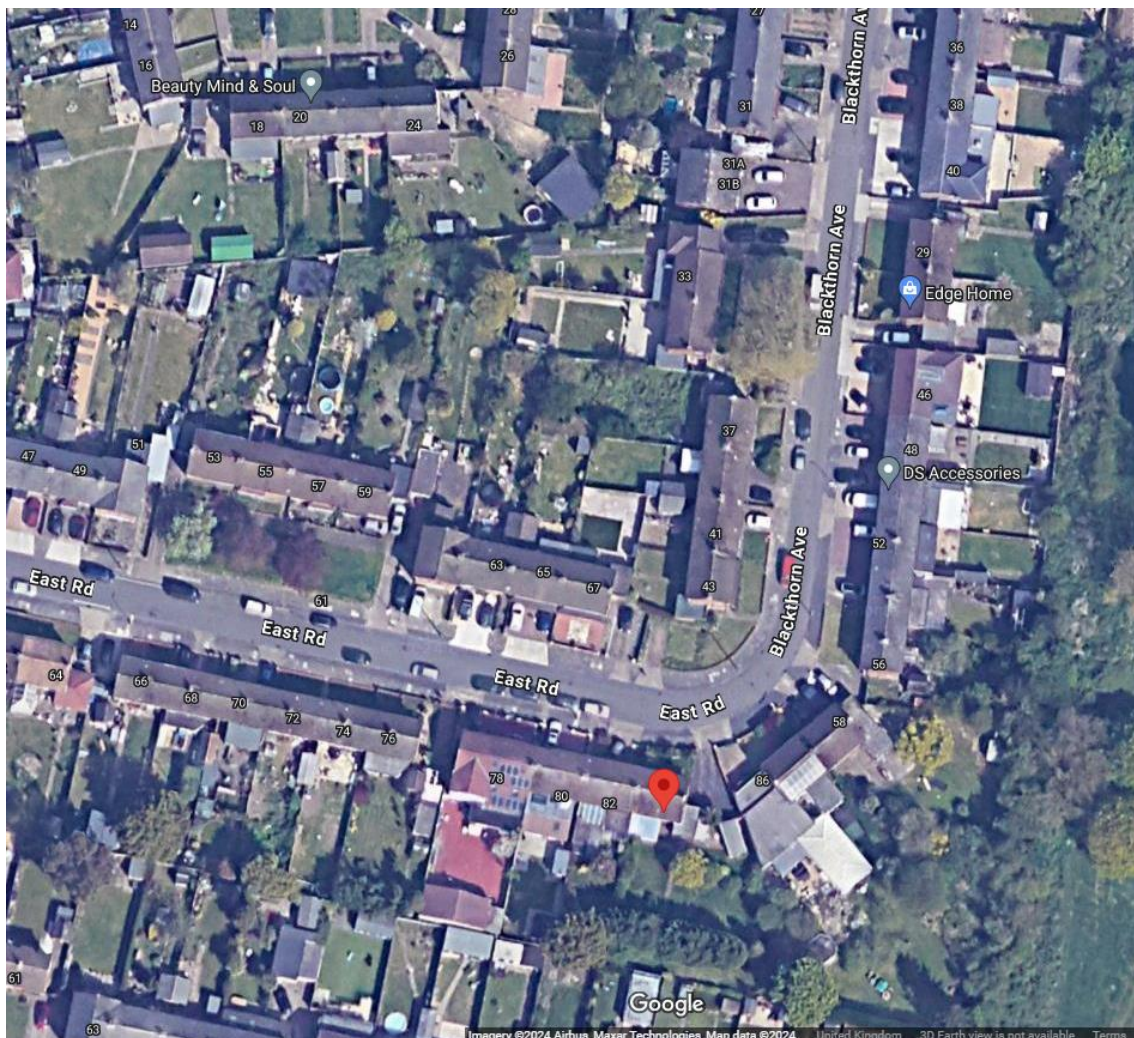


Google street view image © Google 2024



Proposed 3D render

- 5.38 The proposed dwelling would retain the rhythm of development in the street and would largely replicate the existing materials, design features and architectural style predominant in the area. As a result, when viewed from the street scene the development would preserve the visual amenities of the locality and respond positively to local context.
- 5.39 Moreover, the existing gap between nos. 84 and 86 is out of character with the relationship between houses upon the road and although the resultant gap would be smaller it would not be notably different to other gaps in the area. As such, the scheme would be in keeping with the prevailing pattern of development along East Road and Blackthorn Avenue which comprises a mix of short terrace rows and semi-detached dwellings with relatively narrow or comparable gaps between properties.



Context of the appeal site

- 5.40 When assessing previous appeal 3277296 at no. 84 the Inspector stated at paragraph 5 of their decision (Our emphasis):

“5. Nevertheless, the proposed dwelling would project very close to the existing single-storey side projection at No 86, thereby removing the majority of the pockets of small visual gaps that presently exist

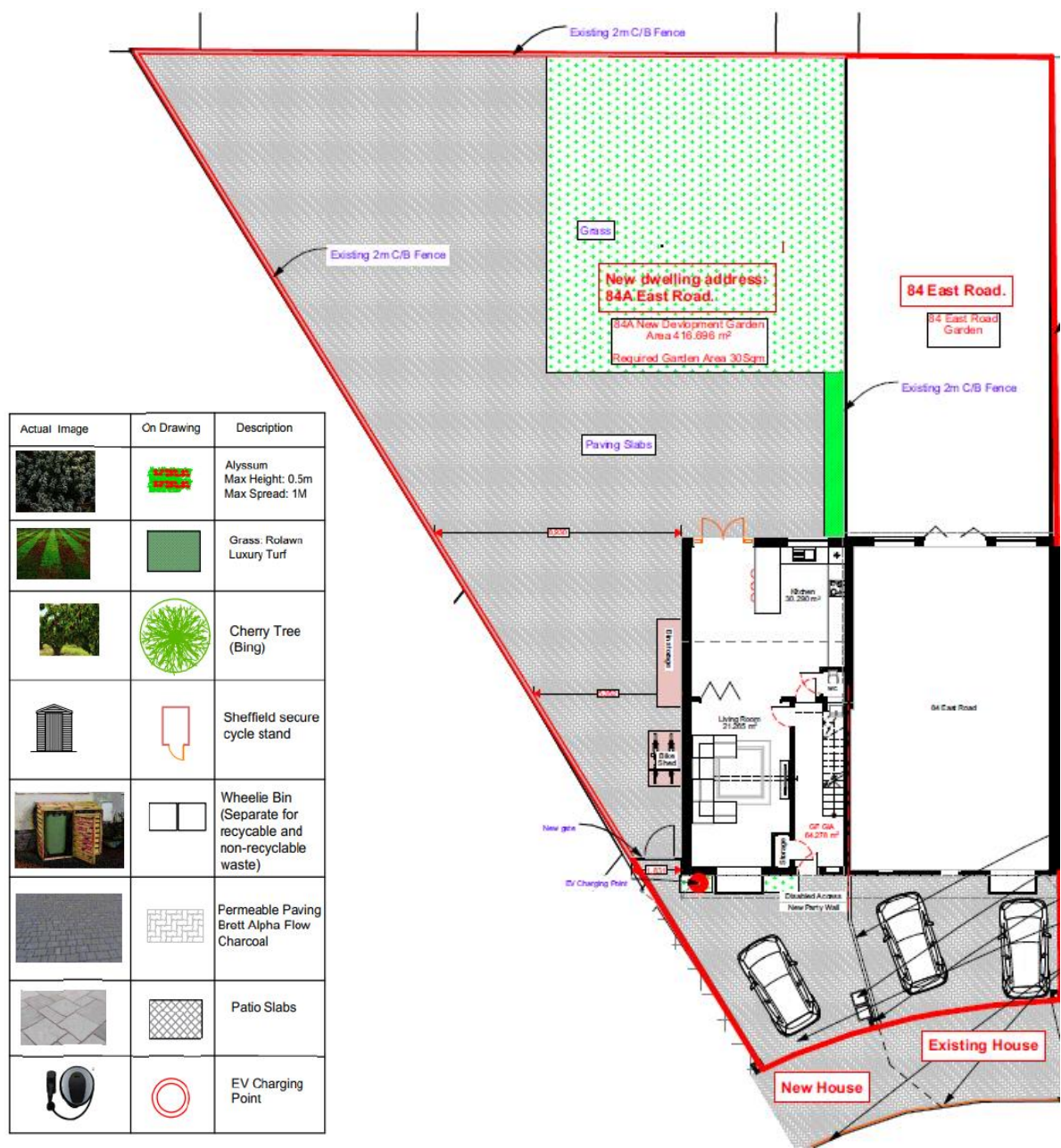
*between Nos 84 and 86 at ground-floor level. More importantly, although it would not completely erode the existing gap between Nos 84 and 86 at first-floor level, it would subsume a substantial portion of that gap. As such, the proposal would unduly reduce the sense of spaciousness referred to above. Moreover, the proposed hipped roof, with its lower 'link' detail, would appear incongruous in the street scene considering the absence of this feature on many nearby properties. **Taking all this into account**, the proposal would cause material harm to the character and appearance of the area."*

- 5.41 In this instance, the proposed development by reason of its reduced width, scale and design would retain an acceptable sense of spaciousness that would easily assimilate within the locale without compromising its character or appearance.



Proposed 3D renders

5.42 Regarding the “significant paving” referred to within the decision the appellant states that this does not affect the gap or the characteristics of the area. It is evident that other gardens within proximity of the appeal site have been replaced with hardstandings whereas in this case the appellant proposes to provide a mix of hard and soft landscaping.



Proposed landscaping scheme

5.43 Nevertheless, the appellant acknowledges the aims of policy DMH 6 (Garden and Backland Development) which states that there is “a presumption against the loss of gardens due to the need to maintain local character, amenity space and biodiversity” and therefore, requests that a condition could be attached to a decision requiring details to be submitted of a landscaping scheme prior to commencement of the development to ensure that the proposal would not result in an unnecessary loss of

garden space and would, in fact, improve biodiversity adding features such as trees, shrubs and wildlife habitat.

5.44 The council also refused the scheme citing that the proposal would “*represent an overdevelopment of the site*”.

5.45 However, it is clear that the development would make efficient use of land complying with the aims of Government policy and would accord with Local Plan policy DMHB 17 (Residential Density). Policy DMHB 17 states that all new residential development should take account of the Residential Density Matrix contained in Table 5.2 as shown below.

Table 5.2: Residential Density Matrix

Location	PTAL	Setting	Dwelling Type		
			Detached and linked houses	Terraced houses and flats	Mostly Flats
			Ave. 3.5 hr/unit	Ave. 3.3 hr/unit	Ave. 3 hr/unit
Uxbridge Town Centre	4 - 6	Central	175 - 385 hr/ha	170 - 792 hr/ha	495 - 1,100 hr/ha
			50 - 110 u/ha	55 - 240 u/ha	165 - 405 u/ha
West Drayton/Hayes Town Centres	3 - 6	Urban	175 - 385 hr/ha	170 - 660 hr/ha	450 - 750 hr/ha
			50 - 110 u/ha	55 - 200 u/ha	150 - 250 u/ha
Other town centres	2 - 3	Suburban /urban	140 - 200 hr/ha	155 - 396 hr/ha	200 - 510 hr/ha
			35 - 65 u/ha	50 - 120 u/ha	80 - 170 u/ha
Residential areas with suburban character within 800m of a town centre*	2 - 3	Suburban /urban	105 - 175 hr/ha	108 - 264 hr/ha	150 - 330 hr/ha
			35 - 50 u/ha	35 - 80 u/ha	50 - 110 u/ha
Other non town centre areas	0 - 2	Suburban /semi rural	105 - 150 hr/ha	105 - 231 hr/ha	105 - 300 hr/ha
			35 - 50 u/ha	35 - 70 u/ha	35 - 100 u/ha

PTAL - Public Transport Accessibility Level hr - habitable room ha - hectare

*Substantial pockets of residential uses within town centres are also likely to fall within this category

5.46 The appeal site has a PTAL rating of 1A and proposes a terraced house with 4-habitable rooms. The existing property has 5-habitable rooms, and the overall site area is 0.0792 hectares which indicates that the development including the existing dwelling at no. 84 would create the following residential densities:

- 113 habitable rooms per hectare
- 25 units per hectare

- 5.47 The above figures demonstrate that the proposal could not be deemed to create an overdevelopment of the site when the calculations demonstrate that the proposal would be at the lower end of the prescribed 105 – 231 habitable room/hectare and would fall below the expected 35-70 units/hectare for a site within a suburban area with a low PTAL rating.
- 5.48 Taking all the above information into consideration, the proposed development would incorporate the principles of good design, harmonising with local context and ensure a high quality finish.
- 5.49 In summary, the proposed development would by reason of its position, size, scale, width, height and design appear as a proportionate and well thought out addition to the site that would complement the prevailing pattern of development in the area. Thus the proposal would preserve the character, appearance and visual amenities of the area in accordance with the requirements of 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).

Other material considerations

- 5.50 Included within their Planning Statement the appellant put forward numerous examples of developments within the locale which comprised of extensions or new dwellings that effectively removed or reduced gaps to the side boundaries.
- 5.51 In addition to the examples already highlighted the appellant puts forward details relating to two cases at no. 123 Central Avenue, Hayes, UB3 2BS. No. 123 Central Avenue is located within an Area of Special Local Character (ASLC). The council refused applications 20352/APP/2020/3869 (*creation of new two bedroom detached dwelling*) and 20352/APP/2021/1451 (*creation of new two bedroom attached dwelling*) on 1st February 2021 and 17th June 2021 respectively due to their effect on the character and appearance of the area, having particular regard to the heritage significance of the ASLC and the loss of an important characteristic gap.
- 5.52 Two appeals, Appeal A: APP/R5510/W/21/3270975 and Appeal B: APP/R5510/W/21/3278335 were submitted (Details attached in **Appendix D**). Whilst Appeal A was dismissed, Appeal B was allowed and planning permission granted for an attached dwelling increasing the length of the host terrace and reducing the gap to the side boundary.



Appeal A: Dismissed – 123 Central Avenue



Appeal B: Allowed – 123 Central Avenue

5.53 The Inspector stated in their combined decision:

- “11. Both schemes would subdivide the existing plot and introduce 2-storey built form closer to the corner, thereby reducing the existing gap. Nonetheless, the proposed dwellings would still be set in from the side boundary of the site and the corner by some distance.*
- 12. While the resultant gap would be smaller than that opposite, it would be comparable to others in the area, including at the same crossroads which are not uniform in their spacing. As such, both schemes would not appear at odds with the prevailing pattern of development and would retain an openness at this prominent corner.*
- 13. The previous Inspector referred to concerns over the bulk of the extensions being out of keeping with the scale of the existing property. The schemes before me are for a separate dwelling of similar modest proportions to the existing one. Therefore, although the quantum of development would be increased, the rhythm of*

development would be maintained, and the schemes would not appear cramped."

5.54 The Inspector also went on to state in regard to Appeal B:

"18. The proposed property would adjoin the existing one, be of a similar footprint and scale, and follow the same building line. Therefore, it would retain the rhythm of development in the street. The scheme would largely replicate existing materials, design features and the architectural style predominant in the area including the projecting front gable, window arrangement and archway between properties.

19. As such, the proposed development would not harm the character and appearance of the area including the ASLC. The scheme would accord with Policies BE1 and HE1 of the Part One Plan, Policies DMHB 1, DMHB 5, DMHB 11 and DMHB 12 of the Part Two Plan and Policies D1, D3, D4, D6 and HC1 of the London Plan 2021. These, in part, seek to ensure developments are appropriate to and respond to local characteristics, context and the surrounding area, including conserving non-designated heritage assets.

20. It would also comply with the Framework where it seeks to conserve heritage assets in a manner that is appropriate to their significance and that proposals should be sympathetic to local character."

5.55 It is notable that in the case of no. 123 Central Avenue, the new dwelling no. 123A has since been constructed and the council have more recently permitted the construction of a single storey side extension under application 20352/APP/2023/567 on 26th April 2023 and then a first-floor side extension under application 20352/APP/2023/1481 on 10th October 2023 to no. 123A thus, resulting in a further reduction in the gap to the side boundary.



Nos. 123 and 123A plus approved side extensions

- 5.56 Therefore, if the abovementioned schemes can be acceptable in an ASLC the appellant strongly opposes the council's assertions that the proposed scheme at no. 84 East Road would be harmful.
- 5.57 The appellant also considers that the following sites are relevant and further demonstrate that the infilling of gaps to the side of properties can be acceptable.

No. 156 York Avenue, Hayes

- 5.58 The council refused application 68002/APP/2020/3011 on 25th November 2020 for a *'Part two storey, part single storey side/rear extension and conversion of dwelling into 1 x 2-bed and 1 x 3-bed self contained dwellings with associated parking and amenity space and widening of the existing vehicular crossover'* at no. 156 York Avenue in Hayes (Details attached in **Appendix E**). The council refused the application for 3 reasons although the first reason was similar to the reason for refusing the scheme at no. 84 East Road regarding the loss of an important undeveloped gap, characteristic to the area resulting in a cramped, dominant appearance.
- 5.59 As shown below no. 156 York Avenue (to the left side of the semi-detached pair) is situated on a prominent bend in the road unlike the site of no. 84 East Road which although sited on a bend in the road is in a relatively discrete location by comparison.



No. 156 York Avenue (LH side of semi-detached pair) © 2024 Google

- 5.60 However, the refusal at no. 156 was subsequently overturned under appeal reference APP/R5510/W/20/3266175 and planning permission was granted on 9th June 2021 with the Inspector confirming in paragraph 4 of their decision:

"4. As a large plot containing a modestly sized semi-detached house, the appeal site has a relatively wide gap between the side elevation of the existing dwelling and the highway. The Council have referred to

this space as an important undeveloped gap, characteristic to the area and what they describe as an open spacious junction; however, these characteristics of the area are largely defined by the open grassed corners of junctions, rather than the concreted and enclosed space within the rear/side yard of the appeal property. The proposed development would reduce the distance between the highway and the side elevation of the appeal building, but a separation gap would remain similar to neighbouring properties bordering Judge Heath Lane, and the appeal site would not appear cramped compared to neighbouring properties.”

No. 24 Wheatley Crescent, Hayes

- 5.61 The council approved application ref 46309/APP/2023/1753 for ‘Erection of a w-bedroom end-of-terrace dwelling and single storey rear extension to existing dwelling’ at no. 24 Wheatley Crescent on 1st September 2023 (Details attached in **Appendix F**).



Land to the side of no. 24 Wheatley Crescent

- 5.62 This particular scheme is relevant not just because of the infilling of the large gap to the side of the property but because during the course of the application the council requested revised plans as it was considered unnecessary to illustrate a set-back from the front elevation or set down from the ridge as the development proposed a new dwelling not a residential extension to an existing dwelling.
- 5.63 The delegated officer’s report for the case at no. 24 Wheatley Crescent confirms (Our emphasis):

“The two storey dwelling would follow on the existing terraced form, with amended plans showing it pulled forward to match the existing building line with the adjoining properties. The fenestration and roof form would match the existing terraced houses, appearing congruent with the rhythm of the row and within the wider street scene.

Whilst there would be an erosion of a large visual gap, there would still be a visual gap retained of over a metre, compliant with Local Planning Policy.

Conditions placed on the previous permission will be added to ensure that materials and landscaping are visually appropriate for the site and surrounding area.

Taking into consideration the above, it is considered that the proposal would respect the character and appearance of the surrounding area in compliance with Policy BE1 of the Hillingdon Local Plan: Part 1 - Strategic Policies and Policies DMHB 11, DMHB 12 and DMHB 14 of the Local Plan: Part Two - Development Management Policies (2020), as well as relevant design guidance contained within the London Plan (2021) and NPPF (2021).”

- 5.64 Furthermore, prior to the approval of the abovementioned scheme the council approved two x two-storey 3-bed dwellings with habitable roofspace, parking and amenity space and installation of vehicular crossovers to front under application 43028/APP/2018/83 on 14th May 2018 on land forming part of no. 26 Wheatley Crescent. Whilst pre-dating current planning policy this application infilled a large area of open space leave virtually no gap between properties.



Dwellings approved on land forming part of no. 26 Wheatley Crescent

- 5.65 Whilst the appellant accepts that each case should be judged on its own individual merits there does not appear to be any substantive reason when taking into account relevant past case history why the current proposal at no. 84 should be considered unacceptable.

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 dwelling by virtue of its detailed and sympathetic design, size, scale and position in combination with the size of the site and the comparable gap that would be retained would make a positive contribution to the character, appearance and visual amenities of the street scene and the wider area.
- 6.3 The appellant has demonstrated that the development would not exceed the residential density set out within the Local Plan and thus would not appear as an overdevelopment or result in a cramped appearance. Moreover, the development would provide a positive contribution to housing within the borough making efficient use of land which accords with the aims of the Government.
- 6.4 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 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).
- 6.5 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 August 2024